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International Court of Justice

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Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 15 April 1946, 1000-1300, Lord Justice Lawrence presiding.

THE MARSHALL: May it please the Tribunal: The report is made that the Defendant Ribbentrop is absent from this session of the Court.

THE PRESIDENT: I will deal first of all with the documents of the Defendant Rosenberg.

The Tribunal rules that all the documents in Book I, Volume I and Volume II, should be denied, up to and including the book by Hellpach--that is to say, Exhibits 1 to 6; and also Exhibits 7E and Exhibit 8.

Secondly, the Tribunal rules that it will take judicial notice of Exhibits 7A, 7B, 7C, and 7D. I should have said of Exhibit 7 and 7A to 7D. But it rules that those Exhibits, 7 to 7D, are not to be read at the present stage but may be quoted by Counsel in his final speech.

Thirdly, the Tribunal allows Books 2 and 3; and

Fourthly, the Tribunal rules that the Defendant Rosenberg shall be called first and any documents which have been allowed may be put to him in the course of his examination.

That is all.

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THE PRESIDENT: Now, Dr. Kauffmann.

DR. KAUFFMANN (counsel for defendant Kaltenbrunner): With the permission of the Tribunal, I now call the witness Rudolf Hoess.

RUDOLF HOESS, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Stand up. Will you state your name?

A Rudolf Hoess.

Q Will you repeat this oath after me. I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

DIRECT EXAMINATION

BY DR. KAUFFMANN:

Q Witness, your statements will have considerable significance. You are perhaps the only man who knows a situation which so far is unknown and can clarify it, and who can state which circle of persons gave the orders for the destruction of European Jewry, and can also state how these orders were carried out and to what degree that carrying out was kept a secret.

THE PRESIDENT: Dr. Kauffmann, will you kindly put questions to the witness.

DR. KAUFFMANN: Yes.

BY DR. KAUFFMANN:

Q From 1940 to 1943, you were the Commandant of the camp at Auschwitz. Is that true?

A Yes.

Q And during that time, hundreds of thousands of human beings were sent to their death in that camp. Is that correct?

A Yes.

Q Is it true that you, yourself, have made no exact notes regarding the figures of the number of those victims because you were forbidden to make them?

A Yes, that is correct.

Q Is it furthermore correct to say that exclusively one man by the

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name of Eichmann did make notes about this, the very man who had the task of the organization and the collecting of these people?

A Yes.

Q Is it furthermore true to say that Eichmann has stated to you that in Auschwitz a sum total of more than two million Jews had been destroyed?

A Yes.

Q Men, women and children?

A Yes.

Q You were a participant in the World War?

A Yes.

Q And then in 1922, you entered the Party?

A Yes.

Q Are you a member of the SS or were you?

A As late as 1934, I became a member of the SS.

Q Is it true that you in 1924 were sentenced for a lengthy detention because you participated in a so-called murder, political murder?

A Yes.

Q And then at the end of 1934, you went to the concentration camp of Dachau?

A Yes.

Q What task did you receive?

A First of all, I was the leader of a block of prisoners and then I became report leader and at the end, the administrator of the property of prisoners.

Q And how long did you stay there?

A Until 1938.

Q And from 1938, what job did you have then and where were you?

A In 1938, I went to the concentration camp at Sachsenhausen where, to begin with, I was adjutant of the commandant and later on I became the head of the protective custody camp.

Q During what period were you commandant at Auschwitz?

A I was commandant at Auschwitz from May 1940 until the 1st of December 1943.

Q How many human beings, how many detainees were at Auschwitz when it was most strongly filled?

A At the time when it was fullest, there were approximately 140,000 internees at Auschwitz, women and men.

Q Is it true that in 1941, you were ordered to Berlin to see Himmler? Please, will you briefly state the content of that conference?

A Yes. In the summer of 1941, I had the order to see the Reichsfuehrer SS Himmler in Berlin personally. He told me, in its approximate sense -- I can't repeat it verbally -- "The Fuehrer has ordered the final solution of the Jewish question. We, the SS, must carry out that order. If, now, at this moment this is not being carried out, then Jewish people will later on destroy the German People." "Auschwitz, "he said, "had been chosen because from the point of view of railway connections, it was most favorably situated and also because the extensive sitewas most suited for the purpose of guarding."

Q During that conference, did Himmler tell you that this planned action was to be treated as a "Secret Reich Matter"?

A Yes. He pointed that out particularly. He told me that I would not be allowed to talk to my direct superior Gruppenfuehrer Glueeks about the matter. "This conference," he said, "was one between the two of us only," and that I would have to observe the strictest secrecy before everybody.

Q What was the position Glueeks held, the man you have just mentioned?

A Gruppenfuehrer Glueeks was the Inspector of Concentration

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Camps at that time and he was a direct subordinate of the Reichsfuehrer.

Q Does the expression "Secret Reich Matter" mean that no one can make the slighest hints towards referring to that without endangering his own life,

A Yes, "Secret Reich Matter" means that everyone -- that he was not allowed to speak about these matters to anybody and that he himself was responsible -- with his head -- that nothing would leak out about these matters to anybody else.

Q Did you ever break that promise towards any third persons?

A No, not until the end of 1942.

Q Why do you mention that date? Did you tell third persons after that date?

A At the end of 1942, the Gauleiter of Oberschlesien, Upper Silesia, made remarks about the events in my camp to my wife. Later, she asked me whether this was the truth and I admitted that to my wife. That was my only breach of the promise I had given to the Reichsfuehrer. I have never talked about it to anyone else.

Q When did you meet Eichmann?

A I met Eichmann about four weeks later, four weeks after I had received that order from the Reichsfuehrer. He came to Auschwitz, that is, to discuss with me the carrying out of the order I had received. As the Reichsfuehrer had told me during our discussion, Eichmann had been given the task by him to discuss the carrying out of the order with me and I was told that he, Eichmann, would give me any further instructions that were necessary.

Q Will you describe very briefly whether it is true that the situation, the position, or that Auschwitz was in a completely isolated position and that if there were any measures taken to insure the carrying out of the task which had been given to you, that all these measures could be kept as secret as possible.

A That was the case in Auschwitz. The camp as such was about three kilometers from the town, about 20,000 morgans of its surrounding country had been cleared of all inhabitants and the entire area could only be entered by SS men or civilian employees who had

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special passes. The actual compound called "Birkenau," and later on the destruction camp which was constructed later, was yet another two kilometers from the camp at Auschwitz. The camp installations, that is to say, the provisional installations which were used to start with, were in the woods and could not be seen, not even from a far distance. In addition to that, the whole area had been declared a prohibited area and even members of the SS who did not have a special pass could not enter it. In that manner, and as far as the human mind could judge, no one was in a position to enter that area except authorized persons.

Q And then the railway transports arrived. During what period did they arrive and how many people, roughly, were on each one of those transports?

A During the whole period up until 1944, certain actions had been carried out in various countries, so that a continuous flow of incoming transports cannot be talked about. There were always intervals of four to six weeks. During those four to six weeks, there were two to three trains every day, containing about two thousand persons each.

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These trains were first of all shunted to a siding at Birkenau and the locomotive which had been pulling the train was returned. The guards who had accompanied the transport had to leave the area at once and the detainees, the persons who had been brought in, were taken over by guards belonging to the camp.

They were examined by SS medical officers regarding their ability to work and the men capable of work at once marched to Auschwitz or respectively to the camp at Birkenau and those incapable of work were first of all taken to the newly constructed crematorium.

Q During an interrogation I had with you the other day you told me that about sixty men had had orders to receive these transports, and that these sixty persons too had been sworn to secrecy within the limits of the secrecy which we discussed before. Do you still maintain that today?

A Yes, these sixty men were permanent troops who had to take the men and women who were not capable of work to these special compounds and later on to this crematorium. This special troop, consisting of about ten duputy leaders, as well as doctors and medical personnel, had repeatedly been told both in writing and verbally that they had to keep strictest secrecy regarding all these matters.

Q Could any outsider who saw these transports arrive discover definite clues regarding the fact that those incoming transports would be destroyed or was that possibility so small because there in Auschwitz an unusually large number of incoming transports, materials and so on and so forth?

A Yes, an observer who did not make notes exclusively for that purpose could not gain any definite impression because to begin with not only transports arrived who were destined to be destroyed but other transports arrived currently containing new detainees who were used in the camp. Furthermore, transports were leaving the camp which contained a sufficiently large number of workers who were exchanged and the trains, the

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carriages themselves were closed, that is to say, the freight cars had their doors closed so that anyone standing outside could not form an impression regarding the number of people transported. In addition to that one hundred trucks of materials, rations, and other such things were daily rolled into the camp or left the workshops in the camp, in which war material was being made.

Q And after the arrival of the transports did the victims have to dispose of everything they had, their clothes; did they have to undress completely; did they have to surrender their valuables, is that true?

A Yes.

Q And then they immediately went to their death?

A Yes.

Q I am now asking you, did these people know what was waiting for them?

A The majority of them did not. Measures had been taken so that they were left in doubt, so that suspicion would not arise that they were going into their death. For instance, all doors and all walls bore inscriptions which pointed out that this was the delousing plant or shower room. This had been done in several languages or was translated to the detainees by other detainees who had come in with earlier transports and who were being used as auxiliary crews during the whole action.

Q And death by gassing, then happened within three to fifteen minutes you told me the other day, is that correct?

A Yes.

Q You also told me that even before the arrival of the final death there was a condition of semi-consciousness or unconsciousness, is that true?

A Yes. As I have seen from my own observation or as has been told me by medical officers, according to the temperature in the rooms and according to the number of people present in those rooms, the length of time after which unconsciousness or death arrived was very different. Loss of consciousness took

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place after a few seconds or minutes.

Q Did you ever consider that you who had a family and children, sympathize with the detainees?

A Yes.

Q And why did you still find yourself able to carry out these actions in spite of all the doubts?

A In spite of all the doubts which I had the only one and decisive argument which always arose, which removed the doubts, was the strict order and the reason given to me by the Reichsfuehrer Himmler.

Q I am now asking you, did Himmler inspect the camp and

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did he convince himself of the carrying out of the order of destruction?

A Yes. He visited the camp in 1942 and he watched one processing from beginning to end.

Q Does the same apply to Eichmann?

A Eichmann came repeatedly to Auschwitz and he knew the events precisely.

Q Has the defendant Kalbrunner ever visited the camp?

A No.

Q Did you ever discuss this very task with Kaltenbrunner?

A No, never. I only met Obergruppenfuehrer Kaltenbrunner on one single occasion.

Q When was that?

A That was one day after his birthday in 1944.

Q What position did you hold in 1944?

A In 1944 I was the Chief of Department D-1 in the Administrative and Economi Chief Department in Berlin. My office was the previous Inspectorate of Concentration Camps at Oranienburg.

Q And what was the subject of that conference which you have just mentioned?

A It was a report from the camp at Mauthausen on the so-called detainees without a name and their use in armament industry. Obergruppenfuehrer Kaltenbrunner was to make a decision in the matter. For that reason I took the report from a commandant at Mauthausen to him but he did not make a decision but told me he would do so later.

Q Regarding the location of Mauthausen, will you please, to clarify it, state in which district Mauthausen is situated?
Is that Upper Silesia or is it the Government General?

A Mauthausen --

Q Auschwitz, I beg your pardon, I made a mistake. I should have said Auschwitz.

A Auschwitz is situated in the former state of Poland. Later, after 1939, it was allocated to the province of Upper Silesia.

Q Is it right for me to assume that administration and feeding of concentration camps was exclusively handled by the Administrative and Economic Central Department in Berlin?

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A Yes.

Q And is this a department which is separate from the R.S.H.A.?

A Yes, that is correct.

Q And then beginning, in 1943 and until the end of the war, you were one of the chiefs in the department in the Inspectorate in the Economic and Administrative Central Department?

A Yes, that is correctly stated.

Q Do you mean by that, that all events connected with concentration camps, say for instance treatment and methods, were particularly well-known to you?

A Yes.

Q I ask you, therefore, first of all whether you have experienced regarding the treatment of detainees and whether certain specific methods were known to you according to which detainees were to be tortured cruelly? Please divide your statement according to periods, up to 1939 and after 1939.

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A Until the outbreak of war in 1939, the situation in the camp, regarding feeding and accommodations and treatment of detainees, was the same as in any other prison or penitentiary in the Reich. The detainees were treated strongly, yes, but methodical beatings or ill treatments were out of the question. The Reich Fuehrer has given repeated orders that every SS man who would ill treat a detainee would be punished; and quite often SS men who did ill treat detainees were punished. Feeding and accommodations at that time were merely adapted to that of other detainees under legal administration. The accommodations in the camps during those years were still normal because at that time there weren't these mass influxes which occurred during the war and after the outbreak of the war.

When the war started and when mass deliveries of political detainees arrived, and, later on, when detainees arrived from the occupied territories who were members of the resistance movements, the existing buildings and the extensions of the camps could no longer keep up with the number of detainees who arrived. During the first years of the war this could still be overcome by improvising measures; but, later, due to the exigencies of the war, this was no longer possible since there were practically no building materials. And, furthermore, rations were repeatedly and very severely curtailed by the economic administration of the counties. This led to a situation where detainees in the camps were no longer capable of surviving the arising plagues and epidemics.

The main reason why detainees towards the end of the war were in such bad condition, why so many thousands of them were sick and emaciated in the camps and were found in that condition, was that the Reich Fuehrer on every occasion, again and again, stated his aim, which he stated through the Chief of the Economic and Administrative Department Obergruppenfuehrer Pohl, who communicated it to the camp commandants and administrative offices during the so-called commandant's meetings. This aim was that every detainee would have to be employed in the armament industry as long as his strength would last. Every commandant was told to make every effort

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that this would be made possible. It wasn't that one was trying to have as many dead as possible or to destroy as many people as possible; the Reich Fuehrer was anxious that, if possible, every hand and every man shoul be used in the armament industry.

Q So that, I take it, there can be no doubt that the longer the war lasted, the greater would be the number of the ill treated and tortured inmates. Didn't you during the time you inspected the concentration camps ever learn through complaints or such things of these matters, or do you consider that the conditions which have been described are mor or less outrageous and excesses?

A These so-called ill treatments and torturing in concentration camps which were liberated were the stories which were spread amongst the people, which referred to these detainees that were liberated by the occupying armies. Those weren't due to methods; they were excesses on the part of certain leaders who ill treated detainees.

Q Do you mean you never took cognizance of these matters?

A If any such matter was brought to my notice in one way or another, then the perpetrator was, of course, immediately relieved of his post or transferred somewhere else. So that, even if he wasn't punished; if there wasn't enough evidence to punish him, I mean, even then he was transferred elsewhere and away from the detainees.

Q To what do you attribute the particularly bad and unfortunate conditions of which we know, and which were found by the arriving allied troops, and which had been photographed and filmed?

A The catastrophic situation at the end of the war was caused by the fact that through a destruction of railways and through bombing of the industrial works, it was no longer possible to carry an orderly administration and supplying of these masses of men. I'm speaking of Auschwitz with 140,000 detainees. It was no longer guaranteed, even if improvised measures were introduced by the commandants and even if the commandants tried everything to improve it; it was no longer possible. The number of sick had gone beyond any limits. There were next to no

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medical supplies; plagues were everywhere. Detainees who were still capable of work were used everywhere and again and again and, by order of the Reich Fuehrer, even people who were partly sick had to still be used some way in industry where they could still do some work. So that in this manner, too, every space in the concentration camp which could possibly be used was filled with sick or dying detainees.

Q I'm now asking you to look at the map which is mounted behind you. The red dots represent concentration camps. I will first ask you how many concentration camps in their proper sense existed at the end of the war?

A At the end of the war there were still thirteen concentration camps. All the other camps which are marked here on the map mean so-called labor camps attached to the armament industry which was situated there. The thirteen existing concentration camps which I have mentioned were the connecting point and the central point of some district or other, such as, for instance, the camp at Dachau in Bavaria or the camp of Mauthausen in Austria; and all the labor camps in that same district came under the concentration camps. That camp had to supply these outside camps; that is to say, they had to supply to them workers and they had to exchange the sick inmates and to supply clothing, and the guards were also supplied by the concentration camp in question.

Towards the end of the war, that is to say, even in 1944, rations had become a matter of the armament industry and, accordingly, detainees were to be fed in accordance with the wartime ration scales.

Q You may sit down. What do you know about so-called medical experiments on living detainees?

A Medical experiments were being carried out in several camps. For instance, in Auschwitz there were experiments with sterilization carried out by Professor Klaubert and Dr. Schumann. Furthermore, experiments were being carried out on twins by SS medical officer Dr. Mengelau.

Q Do you know the medical officer Dr. Rascher?

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A I knew him in Dachau. He was a medical officer of the air force, and he was carrying out experiments on detainees who had been sentenced to death, experiments concerned with the resistance of the human body in high pressure chambers and its resistance to cold.

Q Have you any personal experience where such experiments that were being carried out were known in the camp and among the larger circles of people?

A Such experiments, just like all other matters, were, of course, called secret Reich matters; but it was certainly not possible to prevent the experiments, which were being carried out in a large camp and which must have been seen by the inmates, from becoming known in some way or other. Just how far the outside world heard about these experiments is unknown to me.

Q You had explained to me that orders for executions were received in the camp at Auschwitz, and you told me that until the outbreak of war such orders were few, but later on they became more numerous. Is that statement correct?

A Yes. Until the beginning of the war executions were hardly being carried out, only in particularly serious cases, of which I remember one in Buchenwald. An SS man had been attacked and beaten to death by detainees, and the detainees were later hanged.

Q But during the war -- and that you will admit -- the number of executions increased, and not inconsiderably.

A That started with the beginning of the war.

Q Was the basis for these execution orders in many cases a legal sentence of German courts?

A No. In the case of the executions carried on in the camps these were orders from the RSHA.

Q What was the signature on the orders for an execution when you received it? Is it true that occasionally you received orders for executions which had the signature "Kaltenbrunner", and that this was not the original but that it was a teleprint, which therefore had the signature in typewritten letters?

A Yes, it is correct. The originals of execution orders did never come to the camps. The orders either arrived in their original at the Inspectorate of the concentration camps, from where they were transmitted by teleprinter to the camps concerned, or in urgent cases the RSHA sent the orders directly to the camps concerned, and the Inspectorate was then only informed, so that the signature of course in the camps were alwayson teleprint orders.

Q So as to ascertain the situation regarding the signatures, will you tell the Tribunal whether the majority, the far greater majority, of all execution orders, both in the earlier years and until theend of the war, either had the signature "Himmler" or Mueller's signature?

A Only a few teleprinted orders came to me which originated fromthe Reichsfuehrer, and fewer from thedefendant Kaltenbrunner. Most of them, or I can even say practically all of them, were signed by Mueller.

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Q Is that the Mueller about whom you had reported earlier that you had repeatedly talked to him on such matters?

A Gruppenfuehrer Mueller was the chief of Department IV in the RSHA. He was concerned with all matters connected with concentration camps and had to discuss them with the Inspectorate.

Q Would you say that you went to see Mueller because you, on the strength of your experience, were of the opinion that this man because of his years of activities was acting independently?

A That is right. I have discussed all matters in concentration camps, and had to, with Mueller. He was informed in all these matters, and in most cases he would make an immediate decision.

Q Well, so as to clarify it once again, did you at any time negotiate these matters with the defendant Kaltenbrunner?

A No.

Q Did you learn that towards the end of the war concentration camps were being evacuated, and, if so, who gave the orders?

A On that I must say the following. Originally there was an order fromthe Reichsfuehrer, according to which camps, in the event of an approachin enemy or in the event of any air attacks, were to be surrendered to the enemy. Later on, the events at Buchenwald which had been reported to the Fuehrer, or rather -- I am wrong here. At the beginning of 1945 when certain camps came within reach of the enemy this order was withdrawn. The Reichsfuehrer ordered the Higher SS and police leaders, who in an emergency were responsible for the security and safety of the camps, that they should decide whether an evacuation or a surrender was appropriate.

Auschwitz and Grossrosen were evacuated. Buchenwald was also to be evacuated, but then came the order from theReichsfuehrer that no camps were to be evacuated on principle. Only prominent inmates and inmates who were not to fall into Allied hands under any circumstances were first of all taken away to other camps. This applied to the case of Buchenwald. After Buchenwald had been occupied the Fuehrer was told that detainees had armed themselves and were carrying out plunderings in the town of Weimar. This caused the Fuehrer to give a strict order to Himmler that in the future no camps was to be surrendered to the enemy, and that no detainees capable of

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marching would be left behind in any camp.

This happened shortly after the end of the war, and shortly before Northern and Southern Germany were separated. It applied to the camp at Sashsenhausen. The Gestapo Chief Gruppenfuehrer Mueller called me in the evening and told me thatthe Reichsfuehrer had ordered that the camp at Saschsenhausen was to be evacuated at once. I pointed out to Gruppenfuehrer Mueller what that would mean. Saschsenhausen could no longer fall back on any other camp except perhaps for a few labor camps attached to the armament works, and I said that most of the detainees would have to be put into the woods somewhere. I said that this wouldmean thousands andthousands of deaths and that it would be impossible to feed these masses. He promised me that he would once more discuss it with the Reichsfuehrer, and he called me back several hours later and told me that the Reichsfuehrer had refused and was demanding that the kommandants should carry out his order immediately.

From that moment on Ravensbrueck was also to be evacuated in the same manner but could not be evacuated. How far camps in Southern Germany werecleared or not I do not know, since we as the Inspectorate no longer had any connections with Southern Germany.

Q. It has been stated here in this court room -- and this is my last question -- that the defendant Kaltenbrunner

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had given the order that Dachau and two auxiliary camps were to be destroyed by bombing or poison respectively. I now ask you, did you hear anything about this and, if not, would you consider such an order possible at all?

A. I have never heard anything about his, and I don't know anything either about an order to evacuate any camps in Southern Germany. I have said that before. Apart from that, I consider it quite impossible that a camps could be destroyed by this method.

DR, KAUFMANN: I have no further questions to the witness.

THE PRESIDENT: Do any of the defendants' counsel want to ask any questions?

DR. MERKEL: Dr. Merkel, for the Gestapo.

BY DR. MERKEL:

Q. Witness, did these State Police, as an authority of the Reich, have anything to do with the destruction of Jews in Auschwitz?

A Yes, insofar as I received all my orders from Department IV or Obersturmbannfuehrer Eichmann respectively, all orders which referred to the carrying out of that action.

Q. Was the administration of camps under the Economic and Central Department?

A. Yes.

Q. You said already that in that way there was no contact with the RSHA Please, will you emphasize, therefore, that the Gestapo as such had nothing t do with the administration of the camps or the accomodation in them, feeding and treatment of the detainees, and that this was exclusively a matter for the Economic and Administrative Central Department?

A. Yes, that is the correct way of describing it.

Q. How do you explain it that you had, nevertheless, several discussions with Mueller in which questions relating to concentration camps were mentioned?

A. The RSHA or AMT IV, Executive Department, was responsible for all admissions of detainees and the division amongst them into grades, 1. 2, 3. Furthermore, punishments which were to be carried out by the RSHA, executions

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accomodation of special detainees, and all the points which arose from that, all these things went through RSHA or the Department IV respectively.

Q. When was the Economic and Administrative Central Department created?

A. It existed since 1933 but under various descriptions. The Inspectorate of concentration camps was created as late as 1941 and subordinated to this Administrative Department, Central Department, which means the SS and not the State Police.

A. Yes.

Q. You mentioned the name of Dr. Rascher earlier. Do you know him personally?

A. Yes.

Q. Do you know that Dr. Rascher before he started work in Dachau was taken over by the SS?

A. No, I had no idea. I only know -- wait a minute. I still saw him in the uniform of an air force medical officer, but I believe he was taken over into the SS later on, but I haven't seen him in that capacity.

Q. I have no further questions. Thank you very much.

DR. BABEL: Dr. Babel, for the SS.

BY DR. BABEL:

Q. Witness, at the beginning of your examination you have stated that the Reichsfuehrer SS Himmler, when he ordered you to come and see him, had told you that the carrying out of this order of the Fuehrer was to be left to the SS, that had been ordered to the SS. What does one have to understand under SS in this general way in which it has been mentioned?

A. According to the explanations of the Reichsfuehrer, this could only be the guarding of concentration camps.

Q. Pleas carry on.

A. The carrying out of this task under consideration of the existing orders could only concern men guarding concentration camps, and that meant Waffen SS.

Q. How many members of the SS were there in concentration camps, and

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which units did they belong to?

A. Toward the end of the war there were approximately 35,000men of SS units, and in my estimation approximately 10,000 men from the Army, Air Force, and the Navy, who were employed at the labor camps for guard duties.

Q. What were the tasks of these guards? As far as I know, they were different. There was the actual guarding and then there was a certain amount of administrative work in the actual compounds.

A. Yes, that is correct. It is correct in that sense.

Q. How many guards were employed in the inner compounds? That is to say, can you estimate it down to a thousand? How many guards were necessary for a thousand detainees?

A. You can't express it in that way. According to my experiences, the situation was that 10 percent of the total number of guarding personnel were used for interior purposes, that is to say, administration and supervision of detainees within the compounds, medical personnel, and all that sort of thing.

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Q So that 90 per cent were therefore guarding outside the camps; that is to say, they were watching the camp from watch towers; they were looking after working commandos of the company deternees?

A Yes.

Q Did you make any observations as to whether, on the part of those guards, there was ill treatment of prisoners to any considerable degree, or to a smaller degree, or whether the ill treatment was usually carried out by the so-called Kapos?

A If any ill treatment did occur -- which I myself have never observed -- and if it was committed by guards, then this was possible only to a very small degree since all departments in the camps took care that as few SS men as possible could have immediate direct contact with the inmates, because it had occurred that in the course of the years the personnel had got so much worse that the requirements which were made on guarding personnel before could no longer be maintained.

We had thousands of guards who could hardly speak German, who came from all countries of the world as volunteers and joined these units, or we were concerned with older men, men of 50 and 60 who were in no way interested in their duties, so the camp commandant had to take care that these men fulfilled even the lowest requirements of their duties. Furthermore, there were, of course, elements among them who would act against deternees, that was obvious, but they were never tolerated.

Furthermore, it was impossible that these masses of people should be directed by SS men when they were working or when they were in the camp, so that everywhere there had to be deternees who in turn were giving instructions to the other deternees and telling them to work, and who were looking after the interior in the administration within the camps and had that in their own hands almost exclusively. In that connection, of course, there was a great deal of ill-treatment which couldn't be stopped at all because at night there was practically no member of the SS in the camps, and only in the case of certain specific events were SS men allowed to enter the camp, so that the deternees were more or less under the supervision of these deternee supervisors and exposed to them.

H0110-0024

Q You have already mentioned regulations which existed for the guards, but there was a standing order in all the camps and that must have stated punishment against any deternees who were violating the camp rules. What punishment was used?

A First of all, transfer to a penal company, that is to say, harder work, and deterioration of their accomodations as such; next, detention in the cell block and detention in a dark cell; and in the case of very serious cases, shackling, chaining. The punishment of "turning" was prohibited by the Reichsfuehrer in either '43 or '44. Then, there was the so-called standing to attention at the entrance to the camp, and the last means, the so-called punishment of beating.

However, their punishment could not be decreed by any commandant independently. He could only apply for it. In the case of men, the decision came from the Inspector of Concentration Camps, Gluecks, and where women were concerned, the Reichsfuehrer only could make such a decision.

Q It may be known to you that members of the SS, too, had two penal camps which have also been called concentration camps. There was one at Dachau and one at Danzig-Matzgau.

A That's right.

Q Were the standing orders and regulations in those camps and the treatment for members of the SS who were accomodated in such camps any different than the corresponding regulations applying to concentration camps proper?

A These two detention camps were not under the Inspectorate for Concentration Camps. They were under the SS police courts, and I myself have never inspected either of the two camps or seen them.

Q So that you don't know anything about the standing orders in those camps?

A No.

DR. BABEL: I have no further questions.

THE PRESIDENT: The Tribunal will adjourn for ten minutes.

(A recess was taken.)

H0110 - 0025

DR. KARL HAENSEL: I have a question that I would like to ask the High Tribunal. A second defense has been requested for the SS. Is it admissible by the Court that, for the second defense counsel, several questions may be put on his behalf ?

THE PRESIDENT: The Tribunal ruled, a long time ago, that only one counsel could be heard.

DR. KARL HAENSEL: Yes, sir.

BY DR. KRANZBUEHLER (counsel for defendant Doenitz):

Q Witness, you just mentioned that members of the Navy were used to guard concentration camps.

A Yes.

Q Was it concentration camps, or was it labor camps ?

A Labor camps were concerned in this.

Q Did labor camps -- Were they used auxiliary to armament?

A Yes, if they weren't in the actual building, they were used as auxiliaries.

Q I have been informed that soldiers who were used for guard duty at labor camps were transferred or used by the SS.

A That is only partially correct. Part of these men -- I do not recall the figures -- were taken over into the SS. A part were again returned to the unit, that is, were exchanged back. There was a continuous flux or change.

DR. KRANZBUEHLER: Thank you very much.

COLONEL AMEN: If the Tribunal please, first I would like to submit, on behalf of our British Allies, a series of exhibits pertaining to the Waffen SS, without reading them. It is merely statistical information with respect to the number of Waffen SS guards used at the concentration camps.

I ask that the witness be shown Exhibits D-745-a-b, D-746-a-b, D-748, D-749-b, and D-750, one of them being an affidavit of this witness.

(The documents were submitted to the witness.)

BY COLONEL AMEN:

Q Witness, you made one of these affidavits which have been handed to you?

A Yes.

H0110 - 0026

Q And you are familiar with the content of the others?

A Yes.

Q And you testify that those figures are true and correct?

A Yes.

Q Very good.

COLONEL AMEN: Those will become Exhibit No. 819, USA.

Q (Continuing) Witness, from time to time did any high Nazi officials or functionaries visit the camp at Mauthausen or Dachau while you were there ?

A Yes.

Q Will you state the names of such persons to the Tribunal please ?

A I remember as far back as 1935, at which time the entire group of Gauleiters were at Dachau, and Himmler led this group. As far as particular people are concerned, I cannot give you any information.

Q Do you recall any of the ministers having visited either of those camps while you were there ?

A Do you mean the inspection tour of 1935?

Q At any time while you were at either of those concentration camps.

A Yes, in 1935 Minister Frick was at Sachsenhausen; he was there with the Regierungspraesidenten.

Q Do you recall any other ministers who were there at any time?

A Not at Sachsenhausen, but at Auschwitz, the Minister of Justice.

Q Who was he?

A Thierack.

Q And who else? Do you recall any others?

H0110-0027

A Yes, although it is hard for me to recall the name at present.

Q Well, who?

A I have already stated that in the record in an interrogation, but at the moment I can't recall the name.

Q All right. You have testified that many of the execution orders were signed by Mueller. Is that correct?

A Yes.

Q Is it not a fact that all of those execution orders which you testified were signed by--

DR. STEINBAUER (counsel for defendant Seyss-Inquart): Begging the pardon of the High Tribunal, documents are submitted and the witness is being question about the contents, but the defense is not able to follow the prosecution because we do not know the contents of these documents. I request that we be notified of these documents and that we receive copies.

THE PRESIDENT: Haven't copies of these documents been handed tc the defendants?

COLONEL AMEN: Yes, so I understood. We have copies here. However, five German copies have been distributed.

THE PRESIDENT: Well, the matter can be looked into.

BY COLONEL AMEN:

Q Witness, I was asking you about these execution orders which you testify were signed by Mueller. Do you understand?

A Yes.

Q Is it not a fact that all of these execution orders which you testify were signed by Mueller were also signed by order of, or as representative of, the Chief of the RSHA, Kaltenbrunner?

A Yes. Underneath it said--that is, as far as the copies that I saw are concerned, after I was at Oranienburg--it said, under the heading, "RSHA, i.v." That means, "in Vertretung", or "as a representative," "Mueller."

Q In other words, Mueller was merely signing as the representative

H0110 - 0028

of the Chief of the RSHA, Kaltenbrunner? Is that not correct?

A Yes, I would assume so.

Q And, of course, you know that Mueller was a subordinate of the Chief of the RSHA, Kaltenbrunner.

A Yes.

Q Witness, you made an affidavit, did you not, at the request of the prosecution?

A Yes.

COLONEL AMEN: I ask that the witness be shown Exhibit 3868-PS, which will become US Exhibit ~~818~~ 819.

(A document was submitted to the witness.)

Q You signed that affidavit voluntarily, witness?

A Yes, I did.

Q And the affidavit is true in all respects?

A Yes, it is.

COLONEL AMEN: This, if the Tribunal please, we have in four languages.

Q Some of the matters covered in this affidavit you have already told us about in part, so I will omit some parts of the affidavit. Follow along with me as I read, please.

Do you have a copy of the affidavit before you?

A Yes, I have.

H0110-0029

I will omit the first paragraph and start with paragraph 2:

" I have been constantly associated with the aministration of concentration camps since 1934, serving at Dachau until 1938; then as Adjutant in Sachenhausen from 1938 to May 1, 1940, when I was appointed Commandant of Auschwitz. I commanded Auschwitz until 1 December, 1943, and estimate that at least 2,500,000 victims were executed and exterminated there by gassing and burning, and at least another half million succumbed to starvation and disease making a total dead of about 3,000,000. This figure represents about 70% or 80% of all persons sent to Auschwitz as prisoners, the remainder having been selected and used for slave labor in the concentration camp industries, Included among the executed and burnt were approximately 20,000 Russian prisoners of war (previously screened out of Prisoner of War cages by the Gestapo) who were delivered at Auschwitz in Wehrmacht transports operated by regular Wehrmacht officers and men. The remainder of the total number of victims included about 100,000 German Jews, and great numbers of citizens, mostly Jewish, from Holland, France Belgium, Poland, Hungary, Czechoslovakia, Greece, or other countries. We executed about 400,000 Hungarian Jews alone at Auschwitz in the summer of 1944."

That is all true, witness?

A Yes, it is.

Q Now I omit the first few lines of paragraph 3 and start in the middle of paragraph 3:

"Prior to establisment of the RSHA, secret state police office (Gestapo) and the Reich Office of Criminal Police were responsible for arrests, commitments to concentration camps, punishments and executions therein. After organization of the RSHA all of these functions were carried on as before but pursant to orders signed by Heydrich as Chief of the RSHA. While Kaltenbrunner was Chief of RSHA orders for protective custody, commitments, punishment and individual executions were signed by Kaltenbrunner or by Mueller, Chief of the Gestapo, as Kaltenbrunn Deputy."

H0110 - 0030

THE PRESIDENT: Just for the sake of accuracy, the last date in paragraph 2, is that 1943 or 1944?

A. 1944, I believe. Is that date correct, witness, at the close of paragraph 2, namely, that the 400,000 Hungarian Jews alone at Auschwitz in the summer of 1944 were executed? Is that 1944 or 1943?

A. 1944. Part of that figure may be traced back to 1943, but the end was 1944, that is, the autumn of 1944.

Q. Right.

"Mass executions by gassing commenced during the summer of 1941 and continued until Fall 1944. I personally supervised executions at Auschwitz until the first of December 1943 and know by reason of my continued duties in the Inspectorate of Concentration Camps WVHA that these mass executions continued as stated above. All mass executions by gassing took place under the direct order, supervision, and responsibility of RSHA. I received all orders for carrying out these mass executions directly from RSHA."

Are those statements true and correct, witness?

A. Yes, they are.

"5. On 1 December 1943 I became Chief of Amt I in Amt Group D of the WVHA, and in that office was responsible for coordinating all matters arising between RSHA and concentration camps under the administration of WVHA. I held this position until the end of the war. Pohl, as Chief of WVHA, and Kaltenbrunner, as Chief of RSHA, often conferred personally and frequently communicated orally and in writing concerning concentration camps."

H0110-0031

You have already told us about the lengthy report which you took to Kaltenbrunner in Berlin, so I will omit the remainder of paragraph 5.

"6. The 'final solution' of the Jewish question meant the complete extermination of all Jews in Europe. I was ordered to establish extermination facilities at Auschwitz in June 1941. At that time, there were already in the general government three other extermination camps; BELZEK, TREBLINKA and WOLZEK. These camps were under the Einsatzkommando of the Security Police and SD. I visited Treblinka to find out how they carried out their extermination. The Camp Commandant at Treblinka told me that he had liquidated 80,000 in the course of one-half year. He was principally concerned with liquidating all the Jews from the Warsaw Ghetto. He used monoxide gas, and I did not think that his methods were very efficient. So when I set up the extermination building at Auschwitz, I used Cyclon B, which was a crystallized Prussic Acid which we dropped into the death chamber from a small opening. It took from 3 to 15 minutes to kill the people in the death chamber, depending upon climatic conditions. We knew when the people were dead because their screaming stopped. We usually waited about one-half hour before we opened the doors and removed the bodies. After the bodies were removed our special commandos took off the ringsand extracted the gold from the teeth of the corpses."

Is that all true and correct, witness?

A Yes.

Q Incidentally, what was done with the gold which was taken from the teeth of the corpses, do you know?

A Yes.

Q Will you tell the Tribunal?

A This gold wasmelted down and given over to the chief medical office of the SS at Berlin.

Q "Another improvement we made over Treblinka was that we built our gas chamber to accommodate 2,000 people at one time,

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whereas at Treblinka their 10 gas chambers only accommodated 200 people each. The way we selected our victims was as follows: we had two SS doctors on duty at Auschwitz to examine the incoming transports of prisoners. The prisoners would be marched by one of the doctors who would make spot decisions as they walked by. Those who were fit for work were sent into the Camp. Others were sent immediately to the extermination plants. Children of tender years were invariably exterminated since by reason of their youth they were unable to work. Still another improvement we made over Treblinka was that at Treblinka the victims almost always knew that they were to be exterminated and at Auschwitz we endeavored to fool the victims into thinking that they were to go through a delousing process. Of course, frequently they realized our true intentions and we sometimes had riots and difficulties due to that fact. Very frequently women would hide their children under the clothes but of course when we found them we would send the children in to be exterminated. We were required to carry out these exterminations in secrecy but of course the foul and nauseating stench from the continuous burning of bodies permeated the entire area and all of the people living in the surrounding communities knew that exterminations were going on at Auschwitz."

Is that all true and correct, witness?

A Yes, it is.

Q Now, I will omit paragraphs 8 and 9, which have to do with the medical experiments as to which you have already testified.

"10. Mr. Rudolf Mildner was the chief of the Gestapo at Kattowicz from approximately March 1941 until September 1943. As such, he frequently sent prisoners to Auschwitz for incarceration or execution. He visited Auschwitz on several occasions. The Gestapo Court, the SS Standgericht, which tried persons accused of various crimes, such as escaping Prisoners of War, etc., frequently met within Auschwitz, and Mildner often attended the trial of such persons, who usually were executed in Auschwitz following their sentence. I showed Mildner throughout the extermination plant at Auschwitz and he was directly interested in it since he had to send the Jews from his territory for execution at Auschwitz.

H0110-0033

"I understand English as it is written above. The above statements are true; this declaration is made by me voluntarily and without compulsion; after reading over the statement I have signed and executed the same at Nurnberg, Germany, on the Fifth day of April, 1946."

Now I ask you, witness, is everything which I have read to you true to your own knowledge?

A Yes, it is.

COLONEL AMEN: That concludes my cross examination, except for one Exhibit that our British allies would like to have in, which is a summary sheet of the Exhibits which I introduced at the commencement of the cross examination. That will be Exhibit ~~819~~ 810. It is a summary of the earlier exhibits that I put in with respect to the Waffen SS at the commencement of my cross examination.

Now, I understand, Your Lordship, that both the Soviet and the French delegations have one or two questions which they consider peculiar to their country which they would like to put to this witness.

THE PRESIDENT: General Rudenko, you will remember that the Tribunal were assured by counsel for the prosecution that so far as witnesses were concerned, with the exception of one or two particular defendants, the prosecution would have only one cross examination and, now, since thatassurance was given, this is the second instance when the prosecution have desired to have more than one cross examination.

GENERAL RUDENKO: This is correct, Mr. President, that the prosecution did make that statement at some time; however, the prosecution has reserved the right on certain occasions when deemed necessary to do otherwise. Since, in this case, the prosecution represent four different States, occasions do arise when each of the prosecutors feel that he must ask the defendant or his witnesses questions particularly interesting to his country.

THE PRESIDENT: Will you indicate the nature of the questions which the Soviet Prosecution desire to put: I mean the subjects upon which they are. I don't mean the exact questions but the subject.

GENERAL RUDENKO: Yes, I understand. Colonel Pokrovsky, who will ask the question, will report on the subject to the Tribunal.

COLONEL POKROVSKY: May I report to you, Mr. President, that the questions of interest to the Soviet Prosecution are those dealing specifically with the annihilation of the Soviet citizens and some details connected with that annihilation. At the request of the French Prosecution, I would also like to ask two or three questions connected with the documents which at one time were submitted as F-709-A, which were submitted by the French Prosecution to the Tribunal. This is really all there is; however, these questions do have great importance for the Soviet and French Prosecution. This is why I would like to ask them.

THE PRESIDENT: Colonel Pokrovsky, the Tribunal, as has just been stated, made the rule, with the assent of the prosecutors, that in the case of the witnesses there should be one cross examination. There is nothing in the Charter which expressly gives to the prosecution the right for each prosecutor to cross examine and there is, on the other hand, Article 13 which directs the Tribunal to take strict measures to prevent any action which will cause unreasonable delay, and, in the opinion of the Tribunal in the present case, the subject has been fully covered and the Tribunal therefore think it right

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to adhere to the rules which they have laid down in this case. They will therefore not hear any further cross examination.

Do you wish to re-examine, Dr. Kauffman.

DR. KAUFFMANN: I will try to be very brief.

REDIRECT EXAMINATION

BY DR. KAUFFMANN:

Q Witness, in the affidavit which was just read, you said under point 2 that at least an additional half million died through starvation and disease. Now, I am asking you, in what period of time did this death by starvation take place? Does this cover to the end of the war also or does this apply to an earlier period?

A No. I am dealing solely with the war years, from the end of 1942 to the end of the war.

Q Under point 3 -- Do you stillhave the affidavit before you?

A No, I do not.

DR. KAUFFMANN: May I ask that we return the affidavit to the witness?

BY DR. KAUFFMANN:

Q Under point 3, way at the end of the paragraph, you state that orders regarding protective custody, punishment, commitments and special executions were signed by Kaltenbrunner or Mueller -- "Mueller, Chief of theGestapo and Deputy of Kaltenbrunner", was signed. In that way, do you wish to contradict that which you stated just previously?

A No, this is really a completion and I am repeating again that I saw only very few decrees which were actually signed by Kaltenbrunner. Most of them were signed by Mueller.

Q Under point 4, towards the end of the paragraph, you state, "All mass executions took place under the direct order, supervision and responsibility of the RSHA. I received all orders for carrying out these mass executions directly from RSHA." Your statement, which you just made to the Tribunal, had as its context that this entire action came directly from Himmler through Eichmann, who had been personally delegated, and you received your instructions from him. Do you still stand on that?

A Yes.

Q With this last sentence, under point 4, do you wish to contradict

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that which you testified to before?

A No. I am always saying that there was a connection of the RSHA and the Obersturmbannfuehrer Eichmann.

Q Under point 7, towards the end of the paragraph, you state -- I am not going to read verbatim, but I wish to say that you said that even though exterminations took place secretly, the population in the outlying districts knew of the extermination of people, and I am asking you now: Didn't even at a previous or earlier period of time -- that is, before the beginning of this special extermination action, didn't an action of this nature take place of people who had died in a normal manner in Auschwitz?

A Yes, even when the crematoriums had not been built; a part of those who had died, who could not be cremated in thecamp itself, we burned them in large ovens, and a large number -- I don't recall the exact figure -- were buried in a mass grave and later were cremated also. That was before this extermination of Jews began, however.

Q Would you agree with me if I were to say that from the fact which is described here, we cannot conclusively prove that this was an extermination of Jews?

A No, you could not conclude that at all.

H0110-0037

DR. KAUFFMANN: My question was directed toward paragraph seven, especially the last sentence, from which one could gather that the so-called extermination of Jews was meant in this paragraph and I tried to bring about a connection between this question and the previous answer of the witness, which is my last.

THE PRESIDENT: The last sentence of paragraph seven is with reference to the foul and nauseating stench. What is your question about that?

DR. KAUFFMANN: Whether the population could gather from these things that an extermination of Jews was going on at that place.

THE PRESIDENT: That really is too obvious a question, isn't it? They could not possibly know who it was being exterminated.

DR. KAUFFMANN: I have no further questions.

DR. PANNENBECKER (Counsel for defendant Frick): I ask the permission of the High Tribunal to ask further questions for during cross-examination the witness stated that the defendant Frick had visited Sachsenhausen and Oranienburg.

BY DR. PANNENBECKER:

Q Witness, when an inspection took place at that time, 1937-38, was there any evidence of atrocities at that time at Oranienburg?

A No.

Q Why not?

A At that time one could not even talk about atrocities.

Q Is it correct that at that period of time the concentration camp at Oranienburg was a model of order and efficiency and that labors for the cultivation of the last were taking place?

A Yes, that is true but mine work took pkce and we worked with wood timber.

Q Can you give me details as to what visitors on an inspection tour were shown at that period?

A An inspection tour was taken throughout the camp; kitchens were visited, billets, the hospital and all administrative and economic buildings and the areas where the inmates or detainees were working.

H0110-0038

Q At that time were billets overflowing, were they overpopulated?

A No, at that time it was just a normal occupancy.

Q How did these billets look, the living accommodations?

A At that period of time accommodations, living quarters looked the same as in a barracks. The internees had bedclothing, sheets and all hygeric facilities which were required and were in the best of order.

DR. PANNENBECKER: Thank you, I have no further questions.

BY THE TRIBUNAL (Mr. Biddle):

Q Witness, what was the greatest number of labor camps existing at any one time?

A I cannot give any exact figure but I would estimate approximately nine hundred.

Q What was the population of these nine hundred?

A I am not able to say that either, the population varied, perhaps starting with one hundred internees up to ten thousand internees but I cannot give any figure of the total number of people who were in these labor camps.

Q Under whose administration were the labor camps, under what offices?

A These labor camps were as far as the direction and guardianship was concerned, attached to the main economic and administration office. As far as labor and food supply was concerned, the armament firms who were employing these laborers were charged with that part of the responsibility.

Q And at the end of the war was the condition in those labor camps similar to the condition in the concentration camps which you described a little earlier?

A Yes, for there was no possibility of bringing ill internees to regular concentration camps. Therefore, there was an overpopulation and the death rate was very high in these labor camps.

THE PRESIDENT: The witness can retire.

Dr. Kauffmann, does that close your case?

H0110 - 0039

DR. KAUFFMANN: Mr. President, I wish to call another witness with the permission of the Court, that is witness Neubacher.

Hermann Neubacher, a witness took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you state your full name?

A Hermann Neubacher.

Q Will you repeat this oath after me:

I swear by God the Almighty and Omniscient that I will speak the pure truth and will withhold and add nothing.

(Witness repeated oath.)

DIRECT EXAMINATION

BY DR. KAUFFMANN:

Q Witness, what was your position before the war and during the war?

A During the war for five years I was abroad on diplomatic missions. Before the war I was Mayor of the City of Vienna.

Q Did you know the defendant Kaltenbrunner?

A I know him.

Q How long have you known him?

A I met Kaltenbrunner for the first time in 1934 in connection with the so-called appeasement action of the Engineer Reinthaler. I met him in Austria. Later I saw him again, after the Anschluss.

Q In the year 1943 Kaltenbrunner was appointed Chief of the RSHA. Are you acquainted with that fact?

A Yes, I know of that fact.

Q Do you know whether Kaltenbrunner wanted to take this position?

A Kaltenbrunner told me perhaps at the end of the year 1943 that he did not wish to take that position, that he had declined three times but had received a military order to accept. He added that he had received a promise to be relieved of this office after the war.

Q Could you make any observations from which you might judge what position he took toward his task in the RSHA?

H0110-0040

A As far asofficial contact is concerned, I had repeated conversations with him in his office, but that was concerned with foreign intelligence and foreign policy.

Q Witness, the RSHA was the superior of the Gestapo. Are you familiar with that fact?

A Yes.

Q Knowing the personality of the defendant, can you tell me as far as the taking over of the power of the police executive, did he have any special capacity or adaptability or previous training?

A Kaltenbrunner on the basis of my knowledge had no police training or knowledge when he assumed his office. In the year 1941 he wanted to leave the police.

Q What clues do you have for that statement?

A At that time I was a special representative for economic questions in Rumania. Kaltenbrunner told me that he did not like police work, did not know anything about police work and furthermore, had no interest for it. He was largely interested, however--

THE PRESIDENT: The Tribunal does not think that is really evidence which ought to be given. I cannot affect his official position, the fact he did not like it.

H0110-0041

Q Kaltenbrunner was called the successor of Heydrich. Does that term apply in its full sense to Kaltenbrunner?

A It does not apply to Kaltenbrunner and I know that.

THE PRESIDENT: That's a matter of argument. This witness's opinion cannot affect the position of Kaltenbrunner. This witness cannot testify whether he was called a successor to Heydrich or another Heydrich.

DR. KAUFFMANN: The Prosecution contends and speaks of Kaltenbrunner as the successor of the notorious Heydrich. Speaks of that in a negative way.

THE PRESIDENT: The witness has already admitted that he was the successor of Heydrich. You may ask him if he was another Heydrich.

DR. KAUFFMANN: Please, will you tell me whether he could be called a second Heydrich?

THE PRESIDENT: The Tribunal feels that that is incompetent.

DR. KAUFFMANN: Very well. I beg your pardon, I misunderstood. I will pass to the next question.

Do you have any clues as to why Himmler selected Kaltenbrunner in preference to anyone else?

THE PRESIDENT: The Tribunal does not think that the witness can give any evidence as to what Himmler thought. Himmler appointed him.

DR. KAUFFMANN: The witness, so far as I am told, knows and can tell of a conversation with Himmler out of which we can conclude that Himmler selected Kaltenbrunner for he did not fear Kaltenbrunner in any way. The Prosecution contends exactly the opposite. The exact opposite. This man knows from the words of Himmler that the contention of the Prosecution is entirely incorrect.

THE PRESIDENT: The Tribunal thinks you cannot ask what Himmler said about his appointment, if he said anything to this witness. You can ask him what did Himmler say about the appointment to Kaltenbrunner.

DR. KAUFFMANN: Please begin, witness.

THE WITNESS: During the course of a conversation with Himmler when I was at his office at Headquarters, looking at the death mask of Heydrich,

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Himmler said to me that he had, "through the death of this man, suffered an irreparable loss. After Heydrich, no one person could direct the tremendous office which Heydrich had had, only he who had developed this system could direct it and lead it." Upon my question, "What about Kaltenbrunner?", Himmler said: "Of course you are interested in that matter because you are Austrian. Kaltenbrunner will have to work his way into the office. He is diligently concerned with matters with which you are concerned. With foreign intelligence." Those were the statements made by Himmler.

Q Do you have any knowledge of the fact that soon after he assumed office in the year of 1943, Kaltenbrunner was diligently concerned with negotiations abroad?

A Kaltenbrunner was, as I know from my conversation, always looking for a so-called negotiation with the enemy Feindgespraech. He was of the opinion that we should not come out of this war without the use of foreign political measures. I did not speak about particulars about the war in Germany. Everyone was sentenced to death who even doubted the victory of Germany and mentioned his doubt to just one other person.

Q Did Kaltenbrunner support you in your efforts in order to mitigate the terror regime in Siberia?

A Yes, I am grateful to the support of Kaltenbrunner. I owe him much in this direction. The German police officers in Siberia knew, through me and through Kaltenbrunner, that Kaltenbrunner, as chief of the foreign intelligence service, supported my policy in the southeast area without reserve, therefore, it was possible that he could influence the police officers there and the support by Kaltenbrunner and from Kaltenbrunner was very valuable in my endeavors so that with the help of officers, that a system of collective responsibility, as far as reprisals were concerned, could be done away with.

Q Do you know the basic attitude of Kaltenbrunner in the Jewish question?

A I spoke with Kaltenbrunner about this matter only once, and

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then briefly. That was on the occasion when rumors of systematic action increased. I asked Kaltenbrunner what his thoughts were in this connection. Kaltenbrunner very briefly told me that that was a special action which was not subordinate to him. He kept his distance from this action as far as I was concerned, and I believe some time later, at the end of 1944, he told me once and very briefly, as far as the treatment of Jews was concerned, a new way was being followed. He said that with the voice of a man who is proud of his successes.

Q Kaltenbrunner is called "hungry for Power." Do you know what kind of a life he led?

A The life he led was simple.

THE PRESIDENT: The Prosecution hasnot called him "hungry for power." There is no charge against him as being "hungry for power."

DR. KAUFFMANN: Yes, the actual words in the Prosecution are "hungry for Power and cruel". Both of these words are used.

THE PRESIDENT: But being "hungry for power" or "cruel is quite different.

DR. KAUFFMANN: Yes, of course. I am just asking about the first term.

THE PRESIDENT: I was just wondering where these terms were used.

DR. KAUFFMANN: In the indictment both of these terms are used. "Hungry for power and cruel." Both of them.

THE TRIBUNAL (Mr. Biddle): It certainly isn't in the indictment. We find no allegation in the indictment which reads "hungry for power and cruel," and we do not recollect any mention being made in the statement in the Prosecution's case.

DR. KAUFFMANN: I would not have had notes taken on it if it had not been so. In the Indictment, your Honor, there is a page under the heading "Summary and Conclusion." I am referring to the last paragraph on that page where it says:

"As all other Nazis, Kaltenbrunner was desirous of power in order to assure himself of power he signed his name in blood -- a name which will remain in memory as a symbol for cruelty and ...."

THE PRESIDENT: Where are you reading from? What are you reading from?

DR. KAUFFMANN: I am quoting the indictment on the last page under the heading "Summary and Conclusion."

MR. DODD: I think I can clarify the matter. It is rather clear that the Counsel is reading from my trial brief. The trial brief was never offered in evidence in court, but it was handed to the counsel.

DR. KAUFFMANN: If I am not upheld on this point, I have no further questions on that point.

I am now passing to another point. Do you know, witness, whether Kaltenbrunner, gave an order for the erection of concentration camps?

A No.

Q Did Kaltenbrunner, as far as you can judge, from your experience and observations, did he, as a chief of this office, do everything so that that measureof inhumanity would be mitigated?

A I must call your attention to the fact that I was abroad for 5 years and as far as the domestic and internal development of Germany is concerned, I am not in a position to make extensive observations. As I have come to know Kaltenbrunner, I do not doubt that he gave way to the illusion that he would be in a position to influence the course that Heydrich had taken.

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H0110-0045

Q Do you know of a case against pressure by the police, where he used his power so that two church dignitaries in Serbia--that is, two dignitaries of the Serbian Church--were liberated?

A Yes, I know about that incident. These two church dignitaries---

THE PRESIDENT: How is this relevant to Kaltenbrunner?

DR. KAUFFMANN: He is accused of having persecuted the churches. The Prosecution expressly accuses Kaltenbrunner of persecuting churches, with the objective of annihilation of christianity. I can say this with assurance: This is contained in records, and with this question I am referring to these records.

THE PRESIDENT: The answer to it cannot answer any charge against Kaltenbrunner, can it?

DR. KAUFFMANN: If the defendant wished to exterminate churches, then he would not take measures which would, in fact, be opposite to that policy. And this witness will be able to attest to this fact.

THE PRESIDENT: With reference to churches or with reference to individual people?

DR. KAUFFMANN: Particular people as representatives of the church as a whole. I do not believe you can separate the principle from the people.

THE PRESIDENT: The Tribunal thinks that the question is incompetent.

DR. KAUFFMANN: Thank you.

Then I have concluded my examining of the witness.

THE PRESIDENT: The Tribunal will adjourn

(A recess was taken until 1400 hours.)

H0110 - 0046

Official transcript of the International Military Tribunal in the matter of: The United States of America, the French Republic the United Kingdom of Great Britian and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 15 April 1946, 1400-1700, Lord Justice Lawrence, presiding.

Hermann Neubacher - Resumed.

THE PRESIDENT: Had you finished, Dr. Kauffmann?

DR. KAUFFMANN: My questions to this witness are finished.

THE PRESIDENT: Does any other member of the defense want to ask questions?

DR. SAUTER (Counsel for defendant FUNK): Mr. President, I have some questions to put which are, of course, not in any way connected with Kaltenbrunner, but which refer to subjects which will later appear during the case for the defendant Funk. Since the witness is going to appear or can appear only once, of course I have no other possibilities but to put the questions to the witness now, which would, of course, be more applicable later on.

BY DR. SAUTER:

Q. Witness, you had said today that the German Foreign Office or the Foreign Service had used you for economic questions and sent you to Roumania. Is it correct that during the time you were working in Roumania, you were also handling the economic interests and dealing with economic questions in Greece?

A. In the autumn of 1942, I received the task, apart from the orders I had for Roumania, that I should, together with a financial expert from Italy Minister D'Agostino, go to Greece and bring about the total liquidation of currency and reorganization of currency and economic system that should be prevented by us.

Q. Witness, according to your training and your previous activities, were you suited for such a very difficult task? Please will you tell us this very briefly, and tell us which posts you had filled before so that we can

H0110 - 0047

form a picture whether you could cope with this task in Greece, but please, witness, be very brief.

A. I was one of the first economic leaders in Austria; at the age of twenty-eight I was a director; and at thirty I was the general manager of the Viennese Settling Corporation. At the age of thirty-three I was leading a concern in the building trade. I was a functionary and executive of the Austrian National Bank and a member of the Austrian Customs Consul . I was a member of the Russian Credit Committee of the Town of Vienna; and I was a member of the Export Commission for the liquidation of the Austrian Credit Department. So, I had considerable economic practice and experience for the task.

Over and above that, economic problems of the Balkans were very familiar to me since I had last worked on economic questions relating to the Balkans in the central administration of the I.G. Farben in Berlin.

Q. Witness, several days ago, when I visited you here in prison, I submitted to you a report from the Royal Greek Government, addressed to the International Military Tribunal, and I asked you to read it and state your views. Is it correct what is said in this document? Is that correct?

DR. SAUTER: It is, Mr. President, document USSR 358, and it has the further number UK-28.

Q. (Continued) In this report of a commission the picture is created as if in some way German authorities -- and this goes back to the defendant Funk in the end -- had totally destroyed the Greek economic system, and it appears as if Greece had been exploited, and all that sort of thing. Please don't go into detail, but tell us briefly what your impression has been in this connection.

THE PRESIDENT: Yes, General Rudenko.

GENERAL RUDENKO: Mr. President, I would like to make the following statement for the Tribunal: In regard to the report of the Greek Government, which was presented before the Tribunal by the Soviet Prosecution as provided by Article 29 of the Charter, -- it seems to me that the question of the defense counsel, asking the witness to give his opinion on this particular

H0110 - 0048

matter, should be rejected because the witness is not competent to give his opinion in regard to the report of the Greek Government. The defense counsel can ask him a concrete question in regard to any particular fact, but that is all.

DR. SAUTER: Mr. President, if it is desired, I can, of course, put the questions individually, but of course, it will probably take a little longer but, if the Soviet Russian Prosecution does desire that, I shall be agreeable I may ask the witness, therefore --

THE PRESIDENT: Wait a minute. Dr. Sauter, what exactly is it that you want to ask the witness about this report?

H0110-0049

DR. SAUTER: In this report from the Greek Government, which has been submitted by the Russian Prosecution, it is stated that, for instance, Germany after occupying Greece had exploited and plundered that country and that a famine had been created in that country by the removal of an undue amount of goods from that country. Also, that the country had been charged undue occupation costs, and that, by means of a clearing system, the country had been handicapped severely, and all that sort of thing.

I am proposing to prove through this witness, who had been an economic expert of the German Foreign Office and was occupying himself with those problems in Greece, that these statements are partly true. Also, that this state of affairs existed already when the German troops marched in, so that they weren't created by Germany. And, lastly, that the defendant Funk, particularly, did always make efforts, considerable efforts, to bring about an improvement for Greece by means of a clearing system, and that particularly he had taken considerable amounts of gold to Greece.

THE PRESIDENT: Well, can't you puta few short questions to show that the scheme that this witness introduced into Greece was in accordance with international law and was not unfair to Greece? If you could do that, that would meet the case, wouldn't it?

DR. SAUTER: Yes. That is what I wanted to do, and I am sure that the witness would have done so on his own initiative.

BY DR. SAUTER:

Q Now, then, Witness, do you know anything regarding how the German economic authorities, and particularly the defendant Funk, have dealt with the question of clearing debts incurred by Greece?

A As far as the mutual financial arrangements and debts are concerned, I had on one occasion talked to the Finance Minister, von Schwerin-Krosigk, and it was proposed that at some later date after the war the demands and counter demands were to be put on the basis of a common denominator.

H0110 - 0050

Q And as early as the war, how was the question of this clearing arrangement treated?

A Regarding the economic events in Greece, I can only give you any information on that based on my own observations, starting with October 1942. At that time, when I first went to Athens, the Greek currency had already been considerably affected anddestroyed, since the bank notes had increased by something like 3,000 per cent.

Economic damage to Greece had also come about due to the fact that apart from a progressing inflation an attempt had been made to transfer a German system to Greece according to German experiences. That had the consequence, of course, that the vendors of Greek goods, when they were paid later on, suffered certain losses, whereas, on the other hand, the importers of German goods, because they bought the Mark at the rate of 60 and paid it into clearings, with the rate for the selling price something like 3,000, made tremendous profits.

This chaos, due to an inflation, together with the attempt of introducing a German system in Greece, could only be stopped by transferring the black market increase into a free market.

The two experts from the Axis powers together did so, with considerable success, at the end of October 1941. Within a very few weeks all shops and markets were full of goods and rations, and the pricesfor food dropped to one-fifth, whereas industrial products were reduced to one-tenth. This success, in spite of increasing inflation, could be maintained for four months.

Q Dr. Neubacher, is it true that the defendant Funk, who was Reich Economic Minister at that time, did tell you during conversations or stated in correspondence he had with you that he was interested in seeing to it that in spite of the shortage of goods in Germany, a considerable amount of goods should be sent from Germany and other European countries particularly to Greece?

A Reich Minister Funk, with whom I discussed the difficulties of my task, and I agreed perfectly that a maximum of goods should be transported to Greece, and not only food -- I had secured 60,000 tons at that time -- but also German export articles, since it was hopeless that an inflation or

H0110 - 0051

the result of an inflation should be stopped and the effect on prices if no goods were available. Minister Funk dealt with exports to Greece from the viewpoint of an improvement of the economic situation there and supported it with every means at his disposal.

Q Are you aware, Witness, that the defendant Funk, since transport from Germany to Greece had become impossible, made considerable efforts to try to see that goods should be transported on neutral ships, which idea was to be carried out if Britain were to give a safeguard to these ships; and that by means of these transports from Germany to Greece the famine in Greece was to be alleviated?

A I think that between 1941 and 1942 when I hadn't got to Greece yet that these events took place. In 1943 when shipping in Greek waters had come to an end for us, because all ships had been torpedoed and when railroads had become subject to sabotage and dynamiting and blowing up, I, with the help of the Swedish Ambassador, Alar, who was leading the International Relief for Greece, applied for British safeguard for transport to Greece of food supplies. The British agreed to this application, and when our means of transport had ceased to exist they used the Swedish boat "Halaren" once a year, loaded with German food supplies for Greece.

Q And, Witness, Minister Funk participated decisively in these actions, didn't he?

A Minister Funk has taken considerable interest in the Greek question, a question which is unique in the economic world, and he has supported me in my efforts with every means at his disposal.

Q Witness, is anything known to you about the fact that the defendant Funk made particular efforts so that the occupation costs should be kept as low as possible, and that he was making efforts to achieve a point of view by which it would be better that a considerable share of occupation costs should be booked down to German accounts so that Greece shouldn't be overburdened too much financially? What do you know about that?

A I know not enough in detail, since it happened in Berlin, but the situation in Greece was reported by me at intervals to Reich Minister Funk, and I know that he made my reports the basis for his own influence, the influence he exercised.

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He was perfectly aware of the fact that the Greek economic problem during the war and within the blockade was so terribly difficult that all efforts had to be made to prevent a complete dissolution of the food system and economic system in Greece, and he influenced that at all times.

Q Witness, did defendant Funk act in such a way that the Greek currency, Drachma, was destroyed or that it deteriorated, or did he, to the contrary, act in the interest of supporting and backing the Greek currency, particularly for the purpose of preventing a catastrophe and a famine? Please say briefly what you know about that.

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A Reichsminister Funk always made efforts in the latter sense. He proved it by forcing exports to Greece, and finally, in accordance with the Four-Year Plan, which was making the most colossal sacrifice which w as possible in Germany, namely the surrender of a considerable amount of gold for the purpose of slowing down the Greek inflation.

Q You say "a considerable amount of gold". We in Germany, as you know, had very little gold during the war. Can you tell us how large the amount of gold was which the defendant Funk sent to Greece at that time for the purpose of backing the Greek currency and for the purpose of preventing the catastrophe? How much gold was it?

A All told, Greece and Albania, as far as I remember, received 1.3 million gold pounds to back the currency, and more than 1 million gold pounds of that went to Athens.

Q And now, Witness, I have a last question. Is it correct that particularly through Greek merchants all these efforts on the part of German economic chiefs and the German Minister of Economy were often prevented from being successful, and that, to quote just one example, cases happened where German factories were selling German engines for 60 drachmas to Greek merchants, which 60 drachma had no value, and that Greek businessmen were selling these same motors which they were buying for 60 drachma from Germany to the German armed forces for 60,000 drachma apiece? These are supposed to be cases which you have ascertained and on which you have reported to the defendant Funk, and that is why I am asking you whether that is true.

A On that, I have to make the following remarks. That did, in fact, happen, but I want to state that the Greek businessmen had to act like that. That was one of the consequences of inflation and the black market.

The Greek people are much too intelligent to fall for an inflation. Every child there is a businessman, and that is why the only method which was possible was that of obvious speculation which in itself is not amoral. It was a method of transferring the black

market into a free market by means of purely economic measures, and that was the end of these measures.

Q This transfer of the black market into a free market, which after all was a problem which also arose in France and played an important part, was solved by your activity in coordination with the defendant Funk?

A Yes, I did that together with Italian colleague Dagostino. At the end of October of 1942 we started it.

DR. SAUTER: Thank you very much, Witness.

Mr. President, I have no further questions.

DR. STEINBAUER (Counsel for Seyss-Inquart): Mr. President, High Tribunal, for your information I am going to ask questions with reference to the Anschluss.

BY DR. STEINBAUER:

Q You, Witness, have described to the Tribunal your economic activities. Weren't you also active politically?

A I was politically active as the representative of the Austro-German People's Union.

Q What were the aims of that Austro-German National Union?

A The Austro-German People's Union was an institution which stood above parties and religions, which was active in a one-sided manner, having the aim of bringing about a revision of the Anschluss Clause in the peace treaties and to solve the question of the Austro-German Anschluss by means of a plebescite and by peaceful means. In the committee of this Austro-German People's Union, all parties were officially represented with the exception of the National Socialists and Communist parties. The German organization of the same namewas under the leadership of the Social Democrat president of the German Reichstag, Paul Loewe.

Q Thank you. I have a list of the committee here before me which is dated 1926, and you appear as trustee and as deputy of Paul Speiser. As treasurer is named Dr. Arthur Seyss-Inquart, and there is Dr. Benedikt Kautsky, a Georg Stern, and a certain Dr. Stolper.

H0110-0054

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Are these details correct?

A Yes.

Q Why did all these members from the various parties and commissions make efforts towards the Anschluss at that time?

A. In accordance with the treaties of Versailles and St. Germain, a movement started in Austria on a very broad basis, which wanted the reunion of this country, which was suffering from the deepest economic depression, with Germany. This movement was joined by men from all parties and all religions, as you can see from the

H0110-0056

names which you, Doctor, have just mentioned.

Q Is it known to you, Witness, particularly with reference to the previous position of Vienna, what the feelings were regarding the Anschluss?

A The technical procedure connected with an aim which seemed so far away was not dealt with in detail. There were no conceptions, but every Austrian, on the basis of his well-founded historic feelings, was agreed that the town of Vienna should be given the rank of the second capital of Germany.

THE PRESIDENT: I'm sorry. The Tribunal isn't really concerned with whether or not any Anschluss was desirable or whether it was just or not. The Tribunal is concerned with whether it was obtained by violence and force. This evidence doesn't seem to be relevant at all.

DR. STEINBAUER: Mr. President, unfortunately I have to say that I have a different idea from the Tribunal, because I am of the opinion -- and that doesn't only apply to defendant Seyss-Inquart, but also the other defendants who participated in the Anschluss. It is my opinion, therefore -- and I shall be very brief; I have only got one more question --that it is important to ascertain just what the general attitude was. I have taken the liberty of including in my document books a short historic summary to represent the various views.

BY DR. STEINBAUER:

Q Witness, and then in 1938 you became mayor of the city of Vienna. This is now after the Anschluss. At that time, Seyss-Inquart was also Reich town governor for the Gau of Vienna, or rather the country of Austria, is that correct?

A I became mayor of Vienna and Seyss-Inquart was still Austrian Chancellor on the 30th of March 1938 in the morning. At that time Seyss-Inquart was Bundist Chancellor of Austria.

Q All right. Well, how long did you remain in office as mayor of Vienna?

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A According to the Austrian constitution, until February 1939. At that time, Gauleiter Buerckel because Gauleiter and Reich Town Governor of Vienna, and at the same time he became the supreme head of the communal administration.

Q Thank you. That is enough. And what was the situation between Seyss-Inquart on one side and the Commissioner for the Reich Union, Buerckel, on the other side?

A It was notoriously bad. Buerckel did not take any notice of the confidences of Reichstag Governor Seyss-Inquart. He governed over his head, and he tried every method of slander, intrigue, and provocation to overthrow Seyss-Inquart and dishonor him.

DR. STEINBAUER: Thank you. I have no further questions.

THE PRESIDENT: Does the Prosecution wish to question?

COLONEL AMEN: No.

THE PRESIDENT: No questions?

COLONEL AMEN: No.

THE PRESIDENT: The witness can retire.

Dr. Kauffmann.

H0110 - 0058

DR KAUFFMANN: There are still six interrogatories to be dealt with. I hope that I may have permission to submit them as soon as they are received, and may, perhaps, also reserve for myself the right, in accordance with the application made by me two days ago, to apply for one or the other witness in writing, that is, witnesses from amongst those who appear in the affidavits which the prosecution have submitted.

THE PRESIDENT: You mean you want to cross-examine somebody from whom the prosecution have submitted an affidavit?

DR. KAUFFMANN: Yes.

THE PRESIDENT: Are you speaking of affidavits which have already been put in?

DR. KAUFFMANN: I am talking about the affidavits which have been submitted for the first time two days ago.

THE PRESIDENT: Well, the Tribunal thinks you should make up your mind very soon as to whether you want to cross-examine those persons.

DR. KAUFFMANN: I had intended to put that application to you, but the Tribunal told me to make that application in writing.

THE PRESIDENT: Oh, I see. Very well.

DR. KAUFFMANN: Apart from that, I have finished my case for today.

THE PRESIDENT: Very well.

DR. KAUFFMANN: Thank you.

THE PRESIDENT: Sir David, we understood that Dr. Dix wanted to have the question of his documents settled on behalf of the defendant Schacht. Did you anticipate that would take very long?

SIR DAVID MAXWELL-FYFFE: If I might just consult Mr. Dodd--I don't think it will, but I would just like to verify that, if Your Lordship will allow.

THE PRESIDENT: What does Dr. Dix say?

DR. DIX: I don't think it will take a long time, perhaps a quarter of an hour. However, I shall have to reply to the Prosecution, and therefore the length of my reply depends upon the length of the statement to be made by the Prosecution.

THE PRESIDENT: Yes. Well, it would seem to have some advantages to take it now, because otherwise we have got to stop at some particular time, and we ashn't know how long it is going to take. If we take it now, it doesn't so much matter and then we could go on with Dr. Thoma afterwards.

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SIR DAVID MAXWELL-FYFFE: If Your Lordship pleases, my friend Mr. Dodd thinks it will take about a half hour.

THE PRESIDENT: Very well. Dr. Thoma, you have no objection to that, have you

DR. THOMA: No.

THE PRESIDENT: Very well.

MR. DODD: Mr. President, I have before me an index which is submitted by DR. Dix on behalf of the Defendant Schacht.

First, I assume that I should proceed by taking up the exhibits to which we have objected to

THE PRESIDENT: Yes. I am not sure that I have that index before me. Do you have a copy of it we could have?

MR. DODD: I have just the one copy, which was supplied to us by Dr. Dix.

THE PRESIDENT: Has it been supplied to the Tribunal?

MR. DODD: I don't think so; I don't know.

Apparently Dr. Dix is shaking his head and saying "no".

THE PRESIDENT: Perhaps you could indicate what the documents are without our having it before us.

Would you give the numbers when you indicate the documents?

MR. DODD: Yes, Your Honor.

As to the first four documents, numberl is a book by Sir Neville Henderson, "Failure of a Mission." Number 2 is an excerpt from that book, and so is number 3. We object to all of those on the ground that they only

H0110-0060

represent the opinion of Sir Neville Henderson; they do not recount historical fact. Number 4 is an excerpt from a book written about Dr. Schacht by a man by the name of Karl Bopp. We object to that on the same ground, that it is the opinion of the author and not pertinent here.

Exhibit No. 5 is an excerpt from the book written by Mr. Sumner Welles, "The Time for Decision". Our objection to this excerpt is based on the same ground; it contains only an opinion of Mr. Welles and, however valuable in some places, it is incompetent here.

Exhibit No. 6 is the book by Viscount Rothermere, which was already passed upon by the Tribunal with respect to the application of the defendant Goering. We renew the objection that was made at that time, citing again that it is only the opinion of this gentleman and is of no value before this Tribunal.

Exhibit No. 7 is the Messersmith affidavit, which was offered in evidence by the prosecution. We have no objection to that, of course.

Exhibit No. 8 is also a prosecution exhibit; no objection.

Number 9, likewise.

Number 10 is an affidavit or declaration by the late Field Marshal von Blomberg, and we have no objection to that.

Passing on, we have no objection until we reach Exhibit No. 14, Ambassador Dodd's diary, and it is not really an objection there. We ask that we be given the dates of the entries--they have not been given to us thus far--or the pages from the diary from which it is intended to quote.

We go on to Exhibit No. 18. The intervening exhibits, of course, we have no objection to.

THE PRESIDENT: Mr. Dodd, I understand this is really a question of what shall be translated, is it not?

MR. DODD: Yes. We are objecting now, because we want to save the labor of translation.

THE PRESIDENT: Yes. Then you go on to 18.

H0110-0061

MR. DODD: Yes. No.18 consists of three parts, (a), (b) and (c). They are statements of Paul Boncour, of Briand, and of Lord Cecil. They are statements about Germany's right to rearm. We object to them because they are not statements made by officials of any of these two governments; no source is given in the excerpt which is to be quoted, and it appears that they are nothing more than opinions, given after these men had retired from office.

Passing on, then, we come to Exhibit No. 33. That is a speech by Dr. Schacht in 1937. Our only question about it--we are not questioning at all its relevancy, of course, but we would like to know whether or not the original is available; we haven't been able to find out yet.

Number 34 is a speech by Adolf Hitler. It is very brief, and I am rather loath to make too much objection to it, except that I cannot see its relevancy here. It doesn't seem to pertain to any of the issues that have been raised, and unless Dr. Dix has something in mind that we have not been apprised of, we would object to it.

THE PRESIDENT: What does it deal with, Mr. Dodd?

MR. DODD: It deals with rearmament, generally, but it doesn't say anything about Dr. Schacht or any of the allegations here. It seems to be just a general statement about rearmament.

We have an objection to Exhibit No. 37. It is a letter from Dr. Schacht to Mr. Leon Fraser. Our objection is that we would like to know whether or not the original is available, and if it is, why we would have no objection.

Number 38 is a newspaper article from a newspaper in Zurich, Switzerland, about what Dr. Schacht's thoughts were, and we object to that. The author is unknown, to begin with. It is only a newspaper account and seems to be immaterial and unimportant here.

Exhibit No. 39 is a letter written by one Richard Merton, addressed to the Solicitor of the Treasury in Great Britain. It was forwarded here to the General Secretary, I believe. In any event, we object to it on the ground that it is not competent.

H0110 - 0062

It purpots to tell what Merton thought about Schacht and about some assistance that Merton received from Schacht. We would suggest that if Dr. Schacht's counsellor, Dr. Dix, feels that Merton has really some pertinent and relevant testimony to give here, it could be done by way of an interrogatory; he is in London, and it would be, we submit, a more proper way to proceed, rather than offering this letter, which was written without any direction or basis.

Then we move down to Exhibit No. 49, being correspondence between the publisher of Ambassador Dodd's diary and Sir Neville Henderson. It is reprinted in the volume containing Dodd's diary. It is rather vague to me just what the relevance of that entry is here, or how it could be shown in that fashion.

THE PRESIDENT: Is it long?

MR. DODD: Not very long, no.

Now, I am a little bit confused about the last few exhibits, running from 54 to 61. We are only informed that 54 is the record of Goering's testimony before this Tribunal, and so on, the record of so and so before the Tribunal; three excerpts from Goering tertimony and four from the statements of Lt. Brady Bryson, made in connection with the prosecution's presentation of the case against the defendant Schacht. I, of course simply say that it is unecessary to have these translated or do anything more than refer to them They are already in the record, and I don't know just what Dr. Frick has in mind. I have no objection, of course, to his reference to them or any other such use as he may properly make.

THE PRESIDENT: Are those excepts long ?

MR. DODD: Well, I don't know. It is just a matter of copying them over again from the record. They are already in the record of this Court.

THE PRESIDENT: Yes.

MR DODD: You see, if Your Honor pleases, I don't have them before me.

That amounts to our view on the applications of Dr. Schacht's counsel at this time. If there are any questions , I should be glad to answer them. I haven't gone into much detail here.

THE PRESIDENT: No, that is all right. Dr. Dix can answer now. Yes, Dr. Dix.

H0110 - 0063

DR. DIX: As far as the objections are concerned, raised to Nos. 1 to 6, I agree with Mr. Dodd that these documents are more or less matters of argumentation than evidence. The fact that prominent persons abroad represented the same views which were the basis for his attitude, even regarding the rearmament, will be referred to by Schacht. He will quote these opinions; and I, too, in my final speech, shall refer to these passages for the purpose of argumentation. If Mr. Dodd says, therefore, that this is not so much evidence as it is argument, then he is right.

But we are no longer arguing regarding what is officially admissible to the Tribunal as evidence; we are merely arguing--or rather we are talking--about the question whether these documents should be translated, so that if either Schact during his examination quotes them or if I quote them during the presentation of my case, the Tribunal would be in a position to follow the quotation comfortably. We have made the observation that the Tribunal -- and this seems fairly obvious--like to see, when documents are being quoted here, that they are put at their disposal in translation so that they can follow exactly.

Regarding these passages, therefore -- Nos. 1 to 6 -- and, incidentally, the same applies to all the other exhibits contained under No. 18--would it not be possible for me to ask for them to be--correction: I am not asking for them to be admitted in evidence; I am merely recommending that translations should be permitted in everybody's interest, so that in the event of quotation it can be put before the Tribunal. It is merely a question of suitability and comfort. This applies to 1 to 6 and all documents contained under 18.

THE PRESIDENT: Hasn't the Tribunal already ruled that both the document books of Viscount Rothermere and the speech or book of Mr. Paul-Boncour are not to be put in evidence and are not to be referred to?

DR. DIX: I only know of an order of the Tribunal concerning those statements regarding the justice or injustice committed through the Versailles Peace Treaty, and that order of the Tribunal we shall of course obey. But the quotation of these passages will not serve the purpose of discussing the justice or injustice connected with the Versailles Treaty. That is neither intended by Schacht nor myself. Only so as to quote an example:

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A certain attitude of Schacht's is being used as an indictment by the Prosecution that by supporting rearmament he was wanting and supporting aggression. That he wants to disprove by referring to the fact that this and the other promiment foreign personality represented the same view and that he couldn't possibly mean to further German aggression by adopting that view. That is only one example. But not at any rate, therefore, so as to give scientific lectures on the justice or the injustice of the Versailles Treaty, which I hadn't intended in any event, since I feel that for such arguments there wouldn't be a favorable reception. I don't propose to make statements which wouldn't be favorably received. May I continue?

I beg to apologize. I have only just heard Mr. Dodd's statements and I have to reply very quickly. I have to get the passages together.

I have noted down that under No. 18, which I have just mentioned, which is the same situation as 1 to 6, that Mr. Dodd is missing the authors. That may be due to the fact that he has only had the index to the document. In the actual documents the sources are quoted.

I now turn to No. 37. It is Schacht's letter to a certain Fraser. The way I understood Mr. Dodd was that he wasn't raising objections but that he wanted to know where the original document is located. Well, it is a letter from Schacht to Fraser, the late president of the First National Bank, so that the original of that letter--if it still exists--would be among Mr. Fraser's things, to which I have no access.

One moment, Mr. President: Schacht--that is to say we--have only a copy, and that copy is signed personally by Schacht. It is a so-called "auto-copy". It is that copy which was deposited in Switzerland during the war, because of its contents. This auto-copy, signed personally by Schacht, is in my possession, and from that originates the copy in the document book. The correction of the wording has been certified by Professor Kraus, so that I think as far as the identification is concerned we have coped with it sufficiently.

Now, so much with No. 37. Then I have made a note regarding No. 34. Just one moment, please. No. 34 is another case where the source is missing. The same applies as before. The

The source is stated in the document book. It is the document of German politics which has been used a great deal. Then there have been objections --

THE PRESIDENT: Dr. Dix, the objection to 34 was not that the original wasn't available but that it was a speech by Hitler which was about rearmament and didn't seem to be relevant.

DR. DIX: Yes, that is correct. Thank you very much, Mr. President.

Mr. Dodd, of course, could not recognize the relevancy of the document. Only Schacht could recognize that, since he alone knew the inner developments. This is a speech of Hitler in which there is a passage which confirmed the slowly developing suspicion on Schacht's part that this policy may be directed towards aggression. It didconfirm the suspicion that Hitler may have been wanting it, and this passage of Hitler's speech of the 20th of February, 1938, backed this suspicion. The whole reflection of his inner conceptions of Hitler and his policy, beginning in 1933 and until distrust started, and as far as preparations for a revolt -- all that in connection with the inner developments is very strongly backed in this speech, which isa milestone in that development. For that reason I think it is proved that it is important evidence. That is document 34.

Then there was 38. That is the article from the "Basler Nachrichte --the Balse News. In my opinion it is an article of the greatest importance and relevancy. At any rate, I shall fight for that document to the very last house and the very last man.

Subject: (a) Before the war; the fight against the war; during the war; the fight and the attempts to bring about an early peace and the fight against a spreading of the war.

Now Schacht, in 1941 -- that is to say, before Russia's entry into the war and before the entry into the war of the United States -- had a conversation with a national economist from the United States, which he didn't recollect until just now, when an acquaintance sent him that article which had appeared in the Basle News of the 14th of January 1944. So he said, "Of course, now I remember. Four years ago, in the spring of 1941, I had talked to a national economist from America, and we had this discussion." The name, unfortunately, he had forgotten. Once more, this conversation

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shows his efforts as late as 1941 to fight particularly against any spreading of the war and to make plans and make contacts which would serve the purpose which he was aiming at -- particularly the coming into contact with the United States and the men near President Roosevelt.

We have no other evidence to prove the fact that this conversation took place, and we cannot call upon this professor because Schacht has forgotten his name. But it is the professor himself who anonymously is speaking in this edition of the 14th of January 1944.

THE PRESIDENT: What is the nature of the conversation you say is reported in this newspaper?

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DR. DIX: It is a fairly long article. Perhaps I may underline one or two points so that the Tribunal can understand the nature of the article.

The professor tells the story in this article and says that at that time Schacht talked quite critically about the National Socialist governmental system. He adds that he pointed out the dangers of maintaining such a system, since this would lead to a complete killing of any intellectual activities. And he continued to tell the professor that this war was completely without rhyme or reason, and that it was senseless for a victorious Germany and useless for it, seen from a higher level. He explained through the professor that every means would have to be employed so as to stop the war, because then the governments would act in an orderly world--in a world put in order by a just peace--and they would become liberal automatically. In the end he suggests, therefore, that an attempt should be made at all costs to achieve contact between nations particularly representatives from the United States, before Russia and America came into the war.

He goes on to regret--I beg your pardon, he quotes Roosevelt and his friends as the very men who could solve the great task to bring about help if such contacts were cleverly brought about. It is the same affair which is mentioned in the same letter which I have quoted before, written to Fraser, because he too, Frase, belonged among those people who had entree to President Roosevelt. It is the last desperate effort to bring about a peace on his own initiative before it was too late.

As far as the accusation of aggression is concerned, such an attitude is of course of great relevancy, and that is why I think that the Tribunal ought to grant me this document as important evidence. We cannot, after all, assume that this professor is telling lies. Technically, the possibility might exist that one could try to establish his name from that Swiss paper, but I am afraid that this paper will not give the name without inquiring from the professor in America whether he will permit his name to be disclosed. That is a question, and we may have serious difficulties; and since experience seems to prove that something which

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the professor tells the Basle paper must be true, then why should there be a lie now? He is a respected man. That is why I think that this piece of evidence would be equivalent to a personal interrogatory sent to the professor. That is why I am asking you to permit me this piece of evidence, not only for translation but also in evidence. That is document 38.

As far as Merton is concerned--well, I am perfectly agreeable to send the interrogatory to Merton, but I believe that this may be a fruitless effort, a superfluous effort--because the only thing I need this letter for is to prove that Lord Montague Norman returned from a meeting to England in 1939 and that this man Merton was told by him that Schacht was in considerable personal danger because of his political attitude. That is the fact which I was going to use this letter for. This is contained in the letter.

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The letter wasn't written to me or Schacht by Merton. It is a letter which was addressed to the Solicitor of the Treasury and from there it was given to the prosecution here and the prosecution had been kind enough to communicate the contents of that letter to us. We didn't think that there was any point in getting Merton as a witness. We thought that was too complicated and I am perfectly willing to have an interrogation and I think this would be a reliable method and very much more simple, and if the Tribunal would permit me to do so, I should like to quote two short passages from that letter. Nevertheless, of course, I am just as prepared to send an interrogatory which would have to go to London. That is document 39.

Regarding No. 49, this is correspondence between Sir Neville Henderson and the editor of the diary of the late Ambassador Dodd. It is of considerable importance for the reliability of the statements in the Dodd diary -- something which has been raised repeatedly, not by me but by the prosecution and held against Schacht. So as to prevent any misunderstanding, I should like to say at once that it is not for us to doubt the personality and reliability of the late Ambassador Dodd. He was known to both Dr. Schacht and myself personally and our sentiments are to consider him a man of great honor, but the Tribunal know that this diary was based on brief notes made by the ambassador and that it was edited by his children after his death and errors can arise and what considerable errors have crept into it, that can be proved by the correspondence between Sir Neville Henderson and the editor of the diary, which show that a number of conversations which Dodd is supposed to have had with him, in accordance with the diary, were quoted quite wrongly. No better proof or objectives for the unreliability of the book can be found than this correspondence between Sir. Neville Henderson and the editor. As far as the credibility of a piece of evidence of the prosecution is concerned, and as far as the value of the credibility is concerned and bringing it down to its proper measure, that document is important to me and I am asking to have it granted to me.

Regarding 54 to 61, I do not intend in any way to introduce evidence by means of these documents. It is perfectly agreeable to me if they are not translated but the thought I had in mind was merely that of making the work

H0110 - 0070

of the Tribunal easier. Schacht will be examined by me and these passages of Goering's statements will be referred to. If the Tribunal believe that they can dispense with these extracts and dispense with having them before them, or if the record as such can be brought up for their use, then of course it won't be necessary to translate these passages at all. It is therefore merely a question of how the Tribunal would wish to handle the matter for their own purposes. We have made extracts and if the Tribunal wish, they will be at their disposal. We are now merely dealing with the affidavits. I don't think we have discussed them but I think the Tribunal is aware of the fact that Sir David and I have discussed them before the Court and that the affidavits have actually been admitted but, of course, without prejudice to the rights of the prosecution, that they after having gained knowledge of the documents, can ask counter questions or call their witnesses for their own purpose or for the purpose of cross examination -- that is of course their privilege. We have prepared ourselves with the affidavits so as to save time but if the prosecution wish that these witnesses appear, those witnesses from whom we have affidavits, then of course the defense is perfectly agreeable to this.

THE PRESIDENT: The Tribunal will adjourn now.

(A recess was taken.)

H0110-0071

THE PRESIDENT: I will deal first of all with the documents on behalf of the defendant Schacht.

The following documents will be translated:

Number 7, number 8, number 9, number 14, number 18, number 33, number 34, number 37, number 38, number 39 and number 49.

With reference to documents 54 to 61 which are already in the record they will not be translated but Dr. Dix is requested to give reference to those documents in his document book.

Documents one to six will not be translated at all.

I meant that the documents which I have not alluded to will be translated, the documents which I have not referred to specifically will be translated.

Now, Dr. Thoma.

DR. THOMA: Mr. President, first of all I am passing to the documents which were granted me this morning, allthe works of Rosenberg, "The Myth of the Twentieth Century" being one of them. I am using these documents as proof that the defendant was not conspiring for war and did not participate in a psychological preparation for war. These excerpts are from speeches which the defendant made before diplomats, before students, before jurists and are meant to prove that on these occasions he spoke for social peace, that he fought for peace, that he did not want world idealogical enmity. Through these speeches he spoke for freedom of conscience and he was interested in attaining a reasonable solution of the Jewish question and he was interested in clarity and justice in this matter.

I ask the High Tribunal to take official notice of these speeches and with the permission of the High Tribunal I wish to call the defendant Rosenberg to the witness stand.

ALFRED ROSENBERG, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you state your full name?

A Alfred Rosenberg/

Q Will you repeat this oath after me:

I swear by God the Almighty and Omniscient to speak the pure truth and withhold and add nothing.

H0110-0072

(Witness repeated oath.)

DIRECT-EXAMINATION

BY DR. THOMA:

Q Mr. Rosenberg, will you please --

THE PRESIDENT: Dr. Thoma, you have not given your exhibits any exhibit numbers, have you?

DR. THOMA: That is RO-7a. They are numbered, I believe, Mr. President.

THE PRESIDENT: When you refer to any of the documents you will give them their exhibit number.

DR. THOMA: Yes, indeed.

THE PRESIDENT: Dr. Thoma, for the purposes of the record, you see, I think you ought to read out a list of the documents which you are putting in, stating what the exhibit numbers are. Have yougot a list there of the documents you are going to offer in evidence?

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DR THOMA: Yes, I do Mr. President.

THE PRESIDENT: Will you just read it into the record?

DR THOMA: Exhibit RO-7, "The Myth of the Twentieth Century."

THE PRESIDENT: Yes.

DR THOMA: RO-7A"G estaltung der Idee"(Formation of the Idea), RO-7B "Blut und Ehre" (Blood and Honor), RO-7C Rosenberg's "Tradition der G egenwart"(Tradition and the Press), RO-7D, Rosenberg's "Schriften und Reden" (Writings and Speeches) and RO-8 "Voelkischer Beobachter", March and September 1933.

THE PRESIDENT: That one was excluded by the Tribunal; 7-E and 8 were excluded.

DR THOMA: I did not cite 7-E, your Honor.

THE PRESIDENT: You cited 8 though.

DR THOMA: I beg your pardon.

THE PRESIDENT: Very well.

BY DR THOMA:

Q Mr. Rosenberg please begin with a biographical statement.

A I was born on the 12th of January, 1893 in Reval in Estonia. After completion of the Oberrealschule there I studied beginning in the autumn of 1910 at technical high school at Riga. When the G erman-Russian front approached in 1915 the technical high school, including the professors and students were transferred and evacuated to Moscow and there I continued my studies, in the capital of Russia. There I finished my studies with a diploma as an architectural engineer in January or February 1918 and returned to my native city.

When the G erman troops entered Reval I reported as a volunteer to the German Army but as a volunteer to the G erman Army but as a citizen of an occupied country I was not accepted, without special permission. Since in the future I did not want to live between the frontiers of several countries I tried to get to G ermany.

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The Baltic loyalty toward Russia and German culture were what I had experienced and lived through in Russia. This made me come to the conclusion to do everything within my power to work in Germany against the moving of political parties into Bolshevism, and I tried to help prevent that. I believed that this movement in Germany, because of the sensitive structure of the German system, would have been a tremendous catastrophe.

At the end of November, 1918, I travelled to Berlin, and from there to Munich. I wanted really to take up my profession as an architect, but, instead, I met personalities in Munich who felt the way I did, and became a collaborator in a weekly journal, which had been founded at this time in Munich. I worked this weekly paper since January, 1918, and at this time I remained as an author and contributor. Then, here I lived through the development of the political movement in Munich until the Raeter Republic in 1919 and its depression.

Q You mentioned Germany as your spiritual home. Will you tell the High Tribunal through which studies and through which scientists you were influenced in favor of Germany?

A I had artistic interests for architecture andpainting. I had also been interested since childhood in philosophical studies and, of course, it was very easy for me to read Goethe, Habe, and Fichte, and to further my spiritual development along these lines. Simultaneously, I was influenced by the social thoughts of Charles Dickens, Bernard, and Emerson of the American literature. I continued these studies at Riga, and, of course, I studied Kant and Schopenhauer in this connection, and, above all, I studied Indian philosophy and Allied fields.

Later, in the course of events of my study, I studied all major European historians. Least of all, in Munich, I entered a later study of the new theological studies.

Q You mentioned that in a course of your speeches you spoke about the formation of theidea. Was Goethe responsible for this influence?

A Yes, it is a matter of course that this idea traced back to --

THE PRESIDENT: The Tribunal, you see, wants you to confine yourself to his own philosophy and not to the origins of these philosophies, insofar as he is referring to philosophical subjects at all.

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BY DR. THOMA:

Q How did you come to the NSDAP and to Hitler inMunich?

A About May, 1919, the publisher of the journal that I mentioned was visited by a man by the name of Antox Drexler, who was thechairman of the New Germany Labor Party, and he introduced himself as such. He stated similar thoughts as the thoughts expressed by this journal, and from that time on my first connection arose with a very small group of German laborers, a group which had been formed in Munich. There in the autumn of 1919 I met Hitler.

Q Then did you become a follower of Hitler?

A Yes, at that time I had a conversation with Hitler. At that time I noticed especially his generous aspect of the European aspect as he saw it. He said that in his opinion Europe at that time was in a social and political crisis, a crisis which had not existed since the fall of Rome; that there was much activity in this sphere; and that he personally would be interested to see how the German attitude could fit in.

Thereupon, some of thefirst speeches by Hitler were made to small groups of forty and fifty people. I was present at these speeches, and I believe thatGoethe was speaking and, above all, a soldier who had been at the front, who had done his duty silently for four and a half years.

Then, at the end of 1919, I entered the Party, not before Hitler, as it is contended here, but later. I was assigned No. 625 as my membership number in the Party. As far as the setting up of the program is concerned, I did not participate. However, I was present while this program was read publicly by Hitler andestablished by him on the 24th of February, 1920.

Q Then you gave a justification of the Party program and perhaps wanted to deal with the social and political crisis. What was the solution of these problems that you were dealing with?

A In response to different inquiries regarding the twenty-five points of the program, at the end of the twenty-second I wrote a commentary, which has been submitted and read to the High Tribunal in fragments. My entire position and the position supported by us might be stated briefly as follows:

The technical revolution of the Nineteenth Century had certain social and spiritual consequences. The so-called rationalism was the basis

of this thought and created the state of industry and the world state and showed how it had left nature and history.

Around the turn of the century many people who were interested in their homeland and who wanted to have history brought back for their country turned against this one-sided movement. In the early years there was a reconnection to customs of the past and artistic works of Professor Schulz in Naumburg and some poets, and the result was a protest against this one-sided movement of that time, and in this connection National Socialism attempted to find a connecting like in full knowledge, however, but in modern movement, and not to be a modern movement and not only a movement in retrospect. We tried to make a connecting like of the social movement of Stuecker and of the national movement of Schoenerer in Austria without taking everything as a model and as an example.

I would like to add that the name "National Socialism", I believe, had its origin in theSudetenland, and here the smallGerman Labor Party took the name of "National Socialist German Labor Party", and it was founded with that name.

If I may be permitted to say so, the thing which was our guiding thought was just why we called ourselves National Socialists. I believe that in these three months of the Prosecution many terrible things have been mentioned, but nothing was said about National Socialism.

The opinion was, even then, that there were two hostile camps in Germany; that in both camps millions of decent Germans werefighting. The problem which was facing us all was the problem as far as both these camps were concerned; that is, what was to be affirmed as far as the national unity was concerned and how an agreement was being prevented. At that time, and later, we stated, with a view to theproletarian side, that if theclass struggle was a fact of social and political life, and was existing in the present time, but, as far as a world ideological basis was concerned, it would bring an internal fragmentation or dispersal among nations. A tendency of a social conflict, guided by an international center, was the second problem which would prevent a social coordination. The call and the desire for social justice was present among all labor; it was real and necessary.

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As far as the bourgeois side was concerned, we believed to be able to establish that some reactionary or privileged circles had worked to the detriment of the people, and also that the representation of national interest could not be based in certain strata; but, on the other hand, the demand of a national basis and a dignified representation would be the point of basis of this thought. Therefore --

THE PRESIDENT: (Interposing) Dr. Thoma, would you try and confine the witness to the charges which are against him? The charges against the defendants are not that they attempted to reconstruct Germany, but that they used this form of reconstruction with a view to attacking outside races and nations.

DR. THOMA: But, in my opinion, we have to have Rosenberg's thoughts to determine the motives for his actions, but I will ask him this:

BY DR. THOMA:

Q Were you perfectly clear that these questions of socialism and the question of labor and capital, that some questions were really international rather than just national, and why did you see a struggle against democracy, and why did you consider that as an international problem?

MR. DODD: Mr. President, I think this is a continuation of this same line of examination, and I should like to say that no one in the Prosecution has made any charge against this defendant for what he has thought. I think we are all, as a matter of principle, opposed to prosecuting any man for what he thinks. And I say with great respect that I feel very confident that is the attitude of this Tribunal. Therefore, we think it is entirely unnecessary to spell out whatever thoughts this defendant had on these subjects, or on any other, for that matter.

DR. THOMA: I believe that the defendant is also accused of fighting democracy, and I believe that I should put the question for that reason.

THE PRESIDENT: What is the question?

DR. THOMA: Why he was fighting democracy, why National Socialism and he himself fought democracy.

THE PRESIDENT: I don't think that has anything to do with this case. The only question is whether he used National Socialism with a purpose of international offensives.

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DR. THOMA: Mr. President, National Socialism as a concept must be resolved into its constituents. National Socialism was a fight against democracy. It was a one-sided emphasis of nationalism, and he must have the opportunity of saying just why National Socialism stood for militarism and whether that actually was the case. National Socialism must be shown in its concept so that we can see its constituents.

THE PRESIDENT: What National Socialism was has already been shown to the Tribunal, and he is not disputing the fact that there was a Fuehrer principle introduced into Germany. There is no question about that, why it was introduced. If it was introduced for solely internal purposes there would be no charge in respect of that. The only charges are that National Socialism was used for thepurpose of making aggressive war andperpetrating the other crimes which we have heard of.

DR. THOMA: The war of aggression was justified, in that it was an attack on democracy and that it was based on National Socialist --

THE PRESIDENT (Interposing): Democracy outside Germany, not in Germany.

BY DR. THOMA:

Q Then I would like to ask the defendant how he will answer the question that National Socialism favored a master race.

A I know that this problem is one of the nuclear point of the Prosecution, and I realize that from the point of view of the number of terrible happenings of the present, one will naturally fall back on the past and will try to find the origin of the so-called Rassenkunde. I do believe that it is of decisive significance for the judging of this problem that one knows just what we were concerned with and what was at stake.

The word "Herrenrasse", master race, I have never heard as often as in this court room.. To my knowledge I did not use it at all in my writings, did not mention it at all. I again leafed through my speeches. I did not find this word. Only once did I speak of a master race as mentioned by Homer, and I found a quotation by a

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British author, who in speaking about the life of Lord Kitchener said the Englishman who had conquered the world had proved himself as a Herrenmensch, as a super man. Then I found the word "Herrenrasse", master race, in a writing of the American scientist, Mendelson Grant, and of the French scientist, Lapouge.

I would like to admit, however, not only admit, but I would like to emphasize that the word "Herrenmensch," super man, in the course of my activity as Minister in the East came to my attention, and very unfavorably so. It was used by a number of the directors of economy and administration in the East. Perhaps when we come to the question of the East I may return to this problem in detail and state just what position I took toward those utterances as they came to my attention.

In principle, I was of the conviction that the Rassenkunde, the theory of race, was not an invention of the National Socialist movement but a biological find, as the conclusion of investigations of 400 years, as far as the laws of inheritance are concerned, which were discovered in the 16th century, then were rediscovered later; that they would give a deeper insight into history than some other theories had made it possible to do.

THE PRESIDENT: Dr. Thoma, the defendant is going back now into the origin of the views which he held. Surely all we have got to consider here is his statements in speeches and in documents and the use to which he put those statements, not as to whether they were 400 years old or anything of that sort.

DR. THOMA: The defendant just happened to speak about this concept, and I will take the opportunity to pass over to the so-called Jewish problem. I would like to ask the defendant the following question. How was it --

GENERAL RUDENKO: Mr. President, already my colleague, Mr. Dodd, pointed out that the Prosecution has submitted to the defendant an accusation, concretely stated. I suppose that the most correct way of carrying on the interrogation on the part of Mr. Thoma would

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be to pose concrete questions with regard to charges brought against the defendant. I don't suppose that the Tribunal intends to listen to a lecture on the racial theories or on National Socialism and other theories of the defendant.

DR. THOMA: Mr. President, I will divide my attitude on questions later on, but since he is known as the ideologist of the Nazis and the philosopher of the Nazis, I think he should have the opportunity to state his views. Of course it is true, and perhaps it might be appropriate, Mr. Rosenberg, if you could be a little briefer in some respects.

BY DR. THOMA:

Q Now I would like to ask you this: You believed that the so-called Jewish question in Europe could be solved in that the last Jew should leave the European Continent. At that time you stated it was immaterial whether such a program would find its realization in five years, ten years, or 20 years; it was, after all, just a matter of communication. And you emphasized having this question put before an International committee. How did you arrive at this conclusion and this opinion, and why did you arrive at this opinion? What I wanted to say was, how did you see a solution in the fact that the last Jew should leave Europe?

A I shall try to acquiesce to the wish of the Tribunal and not give a lengthy exposition of my views. My views I arrived at through a study of history, but I did not study anti-Semitic works. I studied Jewish historians themselves.

It seemed to me that after an epic of a generous emancipation in the course of national movements of the 19th Century, also the Jewish people would try to fall back on its tradition and its special character. The problem of one people against another was a problem. It was a problem which had been discussed at International Congresses, and as a leader on the soil of Asia the Jews were to be returned to the soil of Asia, for there the roots of Jewish blood and of Jewish tradition were to be found.

H0110 - 0081

But as far as the political measures are concerned, I had observed matters of this sort in Russia and in Germany, and I came to the view that this view was a correct one. I could not quite comprehend how at that time, when the German soldiers returned to their homeland, they were greeted by a Jewish professor's saying that the German soldiers had died on the field of dishonor. I could not understand that such lack of respect could go so far. If that had just been a statement by one single individual, then one could have said that it was a single excess, but it showed, during the course of 14 years, that a certain different will was exerting itself.

Q Mr. Rosenberg, let us talk about something else. Do you believe that a contradiction was called for by certain utterances by the press as far as National Socialism is concerned, that their position brought about a contradiction of the other side and a reply?

A The other utterances as they appeared constantly during the 14 years had already appeared as far as the readers at Munich were concerned, and in Hungary National Socialism could arise.

Q Mr. Rosenberg, how can you explain the fact that in the First World War 12,000 Jewish soldiers died at the front?

A Of course I was always cognizantof the fact that Jews were German citizens and that each tragic aspect arose in this development, and, of necessity, there had to be an understanding, but this did not apply to the social and political movement, especially since in decisive organs of the so-called Democratic Party, increasing unemployment was seen in Germany. The suggestion was made that Germans be sent to the French colonies, to Argentina and to China. This suggestion was made by prominent Jewish people, and the chairman of the Democratic Party made suggestions three times, and they favored the deportation of Germans to Africa and Asia to alleviate the rising unemployment. In 14 years many Germans were displaced from Poland without the League of Nations taking any effective steps in favor of these minorities.

Q Mr. Rosenberg, you were the leader of the Foreign Political Office of the Party. What was your function?

A The Foreign Political Office was founded in April 1933 after the taking over of power. Many foreigners came to Germany in order to find out information about the National Socialist movement, and the Party wanted to set up a nucleus and the Fuehrer instructed me to take over this office.

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It had the mission of receiving foreigners who were interested in these problems, of instructing them, of telling them about the various fields of the Party, of the State, and as far as questions of the youth were concerned, about health and other problems that interested them. Then, as far as suggestions were made to us, we were interested in treating these suggestions, and if they had any merit, transmitting these proposals to the interested departments of the government.

Furthermore, the foreign press was kept abreast of so that for later investigations and later research we would have ample archives to keep the Party informed politically about the foreign press. Among other things, I was accused of having written articles for the Hearst press. Idid publish some themes in the year '34-'35, but after I met Hearst for about 20 minutes at Nauheim, I did not see him again and I imagine that the Hearst syndicate would have come into difficulty on account of my articles.

Q As the leader of the Foreign Political Office, did you take official steps?

A The documents presented here, 003-PS and 007-PS, on the Foreign Political Office have been submitted and discussed, and I could give a brief summary to the Tribunal about this activity.

Q But before that I would desire to know about the steps taken by you as the leader of the Foreign Political Office as far as an active agreement or understanding between European nations was concerned.

A Adolf Hitler, I believe, had a conversation at Bamberg in 1927 at which he mentioned his foreign political opinions and convictions and said that at least some nations could not be interested in coordination. He meant England and Italy. After that time I agreed with him, and through my personal contacts I tried to find a way for understanding between nations.

I talked with people of the British General Staff. I had the opportunity of speaking with them repeatedly, and on their invitation I visited London in 1931, and at that time talked in private with British personalities.

For the first time in 1932, at a meeting of the Royal Academy of Rome, the topic "Europe" was discussed and I had the opportunity of speaking. I made a speech about this problem, and my thought in that speech was that the development of the last several centuries had been determined by four states

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and peoples, England, France, Germany, and Italy, and that first of all these four should limit their vital interests so that theycould defend the venerable continent of Europe and its traditions. I believed that these four nations were the bearers of that tradition.

Excerpts of my speech were published and parts of it have been translated for the Tribunal.

On the last day of the conference, the former British ambassador to Italy, Sir Rannall Rodd, come to me and told me that he had just left Mussolini and he had said that the most important words of the conference had been spoken by me, Rosenberg.

Q Mr. Rosenberg, Please try to be more brief.

A In May 1933, I was again in London on the personalinstructions of Hitler, and I visited a number of British ministers whose names are not important here, and tried again to bring about an agreement on the sudden, estranging influence in Germany. My reception was rather reserved, and some incidents occurred which showed that a rather contrary sentiment was at work, but that did not prevent me from keeping up these personal contacts and from meeting many British personalities and inviting them to Germany. Officially, I did not have instructions.

THE PRESIDENT: Why don't you ask the defendant what the agreement was to be about? Why doesn't he tell us what the agreement was to be about instead of going on talking about an agreement in the abstract?

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DR. THOMA: Mr. President, I asked the defendant that because he was interested in an actual understanding with England and worked toward it. The defendant is accused--

THE PRESIDENT: But what was it about?

DR. THOMA: We were concerned with the fact that the defendant went to London.

THE PRESIDENT: I don't want you to tell me.

DR. THOMA: I have already asked him Mr. President. The defendant is accused of having participated in the Norwegian enterprise, in that he was for the violation of Norwegian neutrality.

BY DR. THOMA:

Q How did you meet Quisling, Mr. Rosenberg?

A I met Quisling in the year 1933, when he visited me, and I had a discussion of 20 minutes' duration with him. Then a collaborator of mine, who was interested in Scandinavian culture and who was a poet, co responded with Quisling. During the following six years I did not see Quisling, and I did not intervene in Norwegian problems nor in the Quisling matter. In June of 1933, when the tension in Europe was very critical, he visited me and told me of his concern for the situation of Norway. He said it was to be feared whether Norway could remain neutral, and that his home country would be occupied in the North by Soviet troops and in the South by the troops of the Western powers. He considered these matters with great concern.

These fears were taken down by my Stabsleiter, and they were given to Dr. Lammers.

Q When was that?

A That must have been in June 1939. Thereupon Quisling was a collaborator for German-Norway agreement; and especially through propaganda, he wanted to make the movement known in Norway.

In August some Norwegians were here. They were to work for propaganda. They were then brought back.

Q Just what were they trained in, and how?

A I did not see them and I did not talk with them, but

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propaganda. They were then brought back.

Q Just what were they trained in, and how?

A I did not see them and I did not talk with them, but they were trained as to how a more effective propaganda could be carried on and how the organization of the Party had been organized and worked out in Germany. We were to help them along those lines.

Suddenly, after the outbreak of the war, or just shortly before then, an acquaintance of Quisling came to me and mentioned the same concern as Quisling had expressed to me. After the outbreak of the war, this collaborator of Quisling mentioned all sorts of details about the activity of the Western Powers in Norway.

Finally, in December of 1939, Quisling came to visit in Berlin. He made the statement that, on the basis of his exact knowledge of things, he knew that it was just

a sham neutrality on Norway's part, that in actuality the departure from neutrality was known. Quisling had been a former Minister of War in Norway, and therefore he had to have exact knowledge of these things. I told him, as a German citizen, that the Fuehrer should hear Quisling.

The Fuehrer then received Quisling twice. Quisling, with his collaborator Hagelin, visited-- Pardon me. I made a speech at that time, and in this speech I suggested to the Fuehrer that he listen to the speech.

Q You personally transmitted only reports which Quisling gave you?

A Yes, I would like to emphasize that without my activity -- for I was not interested in these things for six years -- Quisling visited me. I hade to consider it my duty, of course, that reports about the military threatening of Germany, if correct, would have to be known to the Fuehrer.

As to those things which Quisling told me orally -- what his plan was, to bring about a political change and to ask Germany for support -- I noted these things so that I could report them to the Fuehrer.

At this time the prosecution is citing these things verbatim, and much more precisely than I can state them here. However, I can summarize this.

In document 004-PS, my Stabsleiter, about two months after the invasion of Norway --

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DR. THOMA: This was compiled in a comprehensive document. I would like to call the attention of the Tribunal to this document. It was compiled immediately after the Norway action, and it describes the measures unequivocally: that everything came from Quisling, that Quisling suddenly appeared, that he gave reports, that he begged that his people be trained further, and that he came back again, came back again and again, and he also told Rosenberg about the new incidey , in Norway.

THE PRESIDENT: What docume is that?

DR. THOMA: No. 004, GB-40. That is in document book 2, page 113.

THE PRESIDENT: What page, please?

DR. THOMA: I believe the number is at the bottom, your Honor.

THE PRESIDENT: Which book is it you are refering to?

DR. THOMA: My document book number 2, page 113; volume 2. The page given at the bottom is page 70. It is at page 72 in the English translation.

THE PRESIDENT: Now the, what is your question?

DR. THOMA: I would like to point out that on page 1 it says that before the meeting of the Norwegian Wissenschaftler in Luebeck, Quisling was at Berlin,

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where he was received by Rosenberg. That was in June 1939, as is shown by the document 007.

Then, on the next page, it says that in August a course was given at Berlin Dahlem. Then it says further that in December of 1939 Quisling, on his own accord, reappeared in Berlin and at that time he made reports. That was on the 14th and 15th of December. Rosenberg, in line with his duty, transmitted these reports to the Fuehere; that is, the reports given to himby Quisling. However, he did nothing beyond that in this matter.

As a parallel, and entirely independently of each other, other reports came in.

BY DR. THOMA:

Q Do you have anything to add on 004-PS?

A May I please be shown the document?

(The document was submitted to the witness)

A (Continuing) On page 5, of this document 004-PS, it is stated that Hagelin, who was a collaborator of Quisling, and who traveled in Norwegian governmental circles, had instructions from theNorwegian Government concerning the supply of arms to Germany. After the Altmark incident there was a discussion with Norwegian representatives, that the reserved position taken by Norway had been a matter of course.

In addition, on the 20th of March, as is shown on page 7, in the center of the page, he was present. There wassome discussion about German supply. He mentioned the activity of the Allies in Norway, and he made statements on that. According to this report, the Allies now were investigating the Norwegian harbor towns for landing and transport possibilities. The French Commandant Kermarrec--I might say that I remember this name as Karramac, or something similar--had had a confidential conversation with Colonel Sundlo, the Commandant of Norway, who was a follower of Quisling. They had informed him about the intention of the Allies to land motorized troops at Stavanger, Drontheim, and perhaps also at Kirkenes, and to occupy the airport at Sola.

A little further down it says that in this report of March 26

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he pointed out--that is, Hagelin pointed out---that the speech of the Norwegian Foreign Minister Koht, dealing with Norwegian neutrality and containing some protests, was not being taken seriously either in London by the English, or in Norway by the Norwegians, because it was well known that the Government had no intention of taking aserious stand against England.

H0110-0090

Q That is the report Quisling told you?

A Yes, these were the reports which Quisling had instructed Hagelin to report. I would like to add further that after Quisling was received by the Fuehrer he told me that a little while later he had instructed OKW to contemplate this case in a military way, and he asked me not to talk about this matter further. In this connection I would like to point out also that we can see from the report that he emphasized that the entire Scandinavian north was to maintain neutrality at all costs, and his position was to be changed only in case other powers threatened the Nordic countries.

In the subsequent period a collaborator of mine was instructed by the Fuehrer to keep up or maintain connections with Quisling at Oslo and to support propaganda friendly to Germany as against other propaganda. He received money from the foreign office and some reports about opinions of Quisling came to Germany. Later I heard something which was entirely understandable--that the callaborator, who was a soldier at that time, had received military reports and instructions which he reported on afterwards.

Q Please be more brief, Mr. Rosenberg.

A In what way the Fuehrer had decided, and whether he actually had decided to carry through this action, that he did not tell me. The entire action of the 9th of November I learned through the newspaper. I visited the Fuehrer, visited him that day, and several weeks later the Fuehrer had me called to him and said that he had to make this decision on the basis of concrete warnings which he had received and, it has been seen from documents which have been found that these warnings had been correct, and it had been true to the letter that the last German ships, when they arrived in the fiord of Trondheim had to fight the approaching British forces.

Q I have just one question more: Did you ever attend foreign politic or military discussions with Hitler?

A The Fuehrer differentiated strictly between official foreign policy and the initiative which would come from one side or another. I believe -- and I believe all the documents show this -- that he never permitted me to participate in any foreign political or military discussion.

Q That is, Austria, Czechoslovakia, Poland, Russia, etc. You were never called into these discussions.

I believe, Mr. President, that is a suitable time to adjourn.

(The Tribunal adjourned until 16 April 1946 at 1000 hours.)